

**CITY OF SANTA BARBARA
CITY COUNCIL
REDEVELOPMENT AGENCY**

Marty Blum
Mayor/Chair
Dale Francisco
Mayor Pro Tempore/Vice Chair
Das Williams
Ordinance Committee Chair
Roger L. Horton
Finance Committee Chair
Iya G. Falcone
Grant House
Helene Schneider



James L. Armstrong
*City Administrator/
Executive Director*

Stephen P. Wiley
City Attorney/Agency Counsel

City Hall
735 Anacapa Street
<http://www.SantaBarbaraCA.gov>

**NOVEMBER 24, 2009
AGENDA**

ORDER OF BUSINESS: Regular meetings of the Finance Committee and the Ordinance Committee begin at 12:30 p.m. The regular City Council and Redevelopment Agency meetings begin at 2:00 p.m. in the Council Chamber at City Hall.

REPORTS: Copies of the reports relating to agenda items are available for review in the City Clerk's Office, at the Central Library, and <http://www.SantaBarbaraCA.gov>. In accordance with state law requirements, this agenda generally contains only a brief general description of each item of business to be transacted or discussed at the meeting. Should you wish more detailed information regarding any particular agenda item, you are encouraged to obtain a copy of the Council Agenda Report (a "CAR") for that item from either the Clerk's Office, the Reference Desk at the City's Main Library, or online at the City's website (<http://www.SantaBarbaraCA.gov>). Materials related to an item on this agenda submitted to the Council/Redevelopment Agency after distribution of the agenda packet are available for public inspection in the City Clerk's Office located at City Hall, 735 Anacapa Street, Santa Barbara, CA 93101, during normal business hours.

PUBLIC COMMENT: At the beginning of the 2:00 p.m. session of each regular Council/Redevelopment Agency meeting, and at the beginning of each special Council/Redevelopment Agency meeting, any member of the public may address them concerning any item not on the Council/Redevelopment Agency agenda. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that public comment is taken up by the Council/Redevelopment Agency. Should Council/Redevelopment Agency business continue into the evening session of a regular Council/Redevelopment Agency meeting at 6:00 p.m., the Council/Redevelopment Agency will allow any member of the public who did not address them during the 2:00 p.m. session to do so. The total amount of time for public comments will be 15 minutes, and no individual speaker may speak for more than 1 minute. The Council/Redevelopment Agency, upon majority vote, may decline to hear a speaker on the grounds that the subject matter is beyond their jurisdiction.

REQUEST TO SPEAK: A member of the public may address the Finance or Ordinance Committee or Council/Redevelopment Agency regarding any scheduled agenda item. Any person wishing to make such address should first complete and deliver a "Request to Speak" form prior to the time that the item is taken up by the Finance or Ordinance Committee or Council/Redevelopment Agency.

CONSENT CALENDAR: The Consent Calendar is comprised of items that will not usually require discussion by the Council/ Redevelopment Agency. A Consent Calendar item is open for discussion by the Council/Redevelopment Agency upon request of a Council/Agency Member, City staff, or member of the public. Items on the Consent Calendar may be approved by a single motion. Should you wish to comment on an item listed on the Consent Agenda, after turning in your "Request to Speak" form, you should come forward to speak at the time the Council/Redevelopment Agency considers the Consent Calendar.

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in this meeting, please contact the City Administrator's Office at 564-5305 or inquire at the City Clerk's Office on the day of the meeting. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements in most cases.

TELEVISION COVERAGE: Each regular Council meeting is broadcast live in English and Spanish on City TV Channel 18, and rebroadcast in English on Wednesdays and Thursdays at 7:00 p.m. and Saturdays at 9:00 a.m., and in Spanish on Sundays at 4:00 p.m. Each televised Council meeting is closed captioned for the hearing impaired. Check the City TV program guide at www.citytv18.com for rebroadcasts of Finance and Ordinance Committee meetings, and for any changes to the replay schedule.

ORDER OF BUSINESS

- 12:00 Noon - Special Ordinance Committee Meeting, Council Chamber
- 1:00 p.m. - Special Finance Committee Meeting, David Gebhard Public Meeting Room, 630 Garden Street
- 2:00 p.m. - City Council Meeting
- 2:00 p.m. - Special Redevelopment Agency Meeting
- 4:00 p.m. - Interviews for City Advisory Groups (Estimated Time)

SPECIAL ORDINANCE COMMITTEE MEETING - 12:00 NOON IN THE COUNCIL CHAMBER (120.03)

Subject: Medical Cannabis Dispensary Ordinance Revision

Recommendation: That the Ordinance Committee review the proposed revisions to the Medical Cannabis Dispensary Ordinance, and make recommendations to the Planning Commission and Council regarding adoption of the proposed revisions.

SPECIAL FINANCE COMMITTEE MEETING - 1:00 P.M. IN THE DAVID GEBHARD PUBLIC MEETING ROOM, 630 GARDEN STREET (120.03)

Subject: October 2009 Investment Report

Recommendation: That the Finance Committee recommend that Council accept the October 2009 Investment Report.

(See Council/Redevelopment Agency Agenda Item No. 3)

**REGULAR CITY COUNCIL MEETING – 2:00 P.M.
SPECIAL REDEVELOPMENT AGENCY MEETING – 2:00 P.M.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONIAL ITEMS

1. **Subject: Southern California Edison Recognizes The City's Energy Savings Achievements (120.08)**

CHANGES TO THE AGENDA

PUBLIC COMMENT

CONSENT CALENDAR

2. **Subject: Airport Terminal Concession Design Contract With Howard, Needles, Tammen & Bergendoff California Architects, P.C. (560.01)**

Recommendation: That Council authorize the Airport Director to negotiate and execute a contract, subject to approval of the form of the contract by the City Attorney, with Howard, Needles, Tammen & Bergendoff California Architects, P.C. (HNTB), a California Corporation, to develop a concession design manual for the new Airline Terminal, in an amount of \$53,462, and approve expenditures of up to \$5,000 for extra services of HNTB that may result from necessary changes in the scope of work.

3. **Subject: October 2009 Investment Report (260.02)**

Recommendation: That Council accept the October 2009 Investment Report.

CONSENT CALENDAR (CONT'D)

4. Subject: Introduction Of Ordinance For Amendment To Vic Trace Reservoir Communications Site Lease (330.04)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving Amendment No. 1 to the Lease Agreement No. 17,461 Between the City of Santa Barbara and Santa Barbara Cellular Systems, Ltd., Located on a Portion of the Vic Trace Reservoir Property (Assessor's Parcel No. 035-033-013), to Allow Lessee the Right to Sublease Upon Written Consent from the City of Santa Barbara, and Authorizing the Public Works Director to Execute the Required Lease Amendment; and
- B. Increase appropriations and estimated revenues by \$65,000 in the Intra-City Services Fund for the costs associated with the removal of an underground storage tank and placement of an above-the-ground storage tank funded from a one-time fee from Santa Barbara Cellular Systems in consideration of the amendment of the lease agreement.

5. Subject: Cancellation Of Certain Council Meetings (120.09)

Recommendation: That Council cancel the regular Council meetings on the following dates: December 22, 2009; January 19, February 16, April 6, June 1, July 6, August 31, September 7, November 30, and December 28, 2010; and January 4, 2011.

6. Subject: Amendment of the Police Officers Association Labor Agreement (440.02)

Recommendation: That Council ratify an amendment to the Memorandum of Understanding between the City and the Santa Barbara Police Officers Association (Ordinance No. 5409) by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the July 1, 2006, Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Officers Association Extending the Agreement Until June 30, 2010, and Suspending Cash-out Provisions.

NOTICES

- 7. The City Clerk has on Thursday, November 19, 2009, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

CONSENT CALENDAR (CONT'D)

NOTICES (CONT'D)

8. Cancellation of the regular City Council and Redevelopment Agency meetings of December 1, 2009.

This concludes the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

REPORT FROM THE FINANCE COMMITTEE

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

ADMINISTRATIVE SERVICES DEPARTMENT

9. **Subject: Certification Of The Election Results Of The Official Canvass For The General Municipal Election Of November 3, 2009 (110.03)**

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Reciting the Fact of the General Municipal Election Held on November 6, 2009, Declaring the Results, and Such Other Matters as Provided by Law.

REDEVELOPMENT AGENCY REPORTS

10. **Subject: Plaza De La Guerra Infrastructure Concept Design Review And Professional Services Agreement For Preliminary Design Services (570.05)**

Recommendation:

- A. That Council review the conceptual design for Plaza de la Guerra Infrastructure Improvements and declare it a project for purposes of environmental review;
- B. That the Agency Board authorize the Deputy Director to execute a Professional Design Services Agreement, subject to approval by Agency Counsel, with Campbell and Campbell in an amount not to exceed \$89,000, for preliminary design services for Plaza de la Guerra Infrastructure, and authorize the Deputy Director to approve expenditures of up to \$17,800 to cover any cost increases that may result from necessary changes in the scope of work; and
- C. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for the Funding of Capital Improvements to Plaza de la Guerra.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

COMMUNITY DEVELOPMENT DEPARTMENT

11. Subject: Panhandling Education And Alternative Giving Campaign (660.04)

Recommendation:

- A. That Council approve the Panhandling Education and Alternative Giving Campaign and that the Redevelopment Agency Board authorize the Agency Deputy Director to negotiate and execute, subject to approval as to form by Agency counsel, agreements to implement the Panhandling Education and Alternative Giving Campaign and to authorize the expenditures of up to \$75,000 for the program from the Redevelopment Agency's Project Contingency Account; and
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing December 1, 2009, as the Effective Date of Ordinance No. 5499 to Enact a Revised Ordinance Prohibiting Abusive Panhandling by Amending and Revising Santa Barbara Municipal Code Chapter 9.50.

MAYOR AND COUNCIL REPORTS

12. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council hold interviews of applicants to various City Advisory Groups.

(Estimated Time: 4:00 p.m.)

13. Subject: Request From Mayor Blum And Councilmembers Francisco And Horton Regarding Guidelines For Proclamations And Letters Of Recognition (120.04)

Recommendation: That Council consider a request from Mayor Blum and Councilmembers Francisco and Horton to establish guidelines and procedures for issuance of proclamations and letters of recognition.

COUNCIL AND STAFF COMMUNICATIONS

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

ADJOURNMENT

CITY OF SANTA BARBARA

SPECIAL ORDINANCE COMMITTEE MEETING

MEETING AGENDA

DATE: November 24, 2009
TIME: 12:00 p.m.
PLACE: Council Chambers

Das Williams, Chair
Dale Francisco
Grant House

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson
Assistant to the City Administrator

Stephen P. Wiley
City Attorney

ITEMS FOR CONSIDERATION

Subject: Medical Cannabis Dispensary Ordinance Revision

Recommendation: That the Ordinance Committee review the proposed revisions to the Medical Cannabis Dispensary Ordinance, and make recommendations to the Planning Commission and Council regarding adoption of the proposed revisions.



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE REPORT

AGENDA DATE: November 24, 2009
TO: Ordinance Committee
FROM: Planning Division, Community Development Department
SUBJECT: Medical Cannabis Dispensary Ordinance Revision

RECOMMENDATION:

That the Ordinance Committee review the proposed revisions to the Medical Cannabis Dispensary Ordinance, and make recommendations to the Planning Commission and Council regarding adoption of the proposed revisions.

DISCUSSION:

After receiving direction from the Council to review and revise the existing Medical Cannabis Dispensary (MCD) Ordinance on July 28, 2009, the Ordinance Committee met four times on September 15th, September 29th, October 6th, and October 20th, to hear public comment and provide direction on revisions to the MCD Ordinance.

On October 20th, the Ordinance Committee made the following recommendations, which have been included in the attached draft:

1. A citywide cap of seven dispensaries, one in each of the following seven geographic areas:
 - a. Outer State
 - b. De la Vina
 - c. Mission
 - d. Downtown, east of State
 - e. Downtown, west of State
 - f. Milpas
 - g. Mesa
2. A reduced amortization period of six months for existing, nonconforming dispensaries, starting at the adoption date of the proposed revisions.
3. A prohibition on dispensaries in existing, mixed-use buildings, where the residential units are condominiums.

4. More discretion for the Staff Hearing Officer, in the form of changes to the criteria for issuance, including but not limited to Criteria #7 and #10, which currently state, in part:
 - #7. "...**no** significant nuisance issues or problems **are anticipated** or resulted..." (emphasis added)
 - #10. "That the dispensary **would not** adversely affect the health, peace, or safety of persons living or working the surrounding areas, overly burden a specific neighborhood, or contribute to a public nuisance..." (emphasis added)
5. A prohibition on dispensaries within 1000 feet of Casa Esperanza and similar recovery facilities.
6. A requirement that security be provided by a separate security company, which is licensed by the State.
7. A requirement for annual review of permitted dispensaries by the Police Department and the Staff Hearing Officer.

On November 17, 2009, the City Council discussed the issues of for-profit dispensaries versus not-for-profit collectives (with or without storefronts), and a moratorium on pending and approved dispensaries. For-profit dispensaries do not comply with State law, whereas it appears that not-for-profit collectives and cooperatives do comply with state law. The Council voted to schedule the moratorium issue on a Council agenda in December 2009. The Council also directed the Ordinance Committee to continue its work on the existing ordinance and start a new work effort to further revise the ordinance to restrict medical marijuana distribution outlets to those that comply with all aspects of state law.

Staff recommends that the Ordinance Committee review the draft revisions to the Medical Cannabis Dispensary Ordinance, and forward it to City Council for action.

ATTACHMENT: Draft Ordinance
PREPARED BY: Danny Kato, Senior Planner
SUBMITTED BY: Paul Casey, Community Development Director
APPROVED BY: City Administrator's Office

**ORDINANCE COMMITTEE DRAFT
NOVEMBER 24, 2009
SHOWING CHANGES FROM CURRENT CODE**

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE MUNICIPAL CODE BY
ADDING CHAPTER 28.80 ESTABLISHING
REGULATIONS AND PROCEDURES FOR MEDICAL
CANNABIS DISPENSARIES.**

The City Council of the City of Santa Barbara does ordain
as follows:

SECTION ONE. Chapter 28.80 of Title 28 of the Santa Barbara
Municipal Code, entitled "Medical Cannabis Dispensaries," is
amended to read as follows:

Section 28.80.010 Purpose and Intent.

It is the purpose and intent of this chapter to regulate the
locations of medical cannabis dispensaries in order to promote
the health, safety, and general welfare of residents and
businesses within the City. It is neither the intent nor the
effect of this chapter to condone or legitimize the use or
possession of cannabis except as allowed by California law.

Section 28.80.020 Definitions.

For the purpose of this chapter, the following words and phrases
shall have the following meanings:

A. Applicant. A person who is required to file an
application for a permit under this chapter, including an
individual owner, managing partner, officer of a
corporation, or any other operator, manager, employee, or
agent of a dispensary.

B. Drug Paraphernalia. As defined in California Health and
Safety Code Section 11014.5, and as may be amended from
time to time.

C. Identification Card. As defined in California Health and Safety Code Section 11362.71 and as may be amended from time to time.

D. Medical Cannabis Dispensing Collective or Dispensary.

Any association, cooperative, affiliation, or collective of persons where multiple qualified patients or primary care givers are organized to provide education, referral, or network services, and facilitation or assistance in the lawful distribution of medical cannabis. "Dispensary" shall include any facility or location where the primary purpose is to dispense medical cannabis (i.e., marijuana) as a medication that has been recommended by an "attending physician" [as that term is defined in Health & Safety Code Section 11362.7(a)] and where medical cannabis is made available to or distributed by or to a primary caregiver or a qualified patient, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A dispensary shall not include dispensing by primary caregivers to qualified patients in the following locations so long as the location of the clinic, health care facility, hospice, or residential care facility is otherwise permitted by the Municipal Code or by applicable state laws:

1. a clinic licensed pursuant to Chapter 1 of Division 2 of the state Health and Safety Code;
2. a health care facility licensed pursuant to Chapter Two of Division 2 of the state Health and Safety Code;
3. a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the state Health and Safety Code;
4. residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the state Health and Safety Code;
5. a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the state Health and Safety Code;

provided that any such clinic, health care facility, hospice or residential care facility complies with applicable laws including, but not limited to, Health and Safety Code Section 11362.5 et seq..

E. Permittee. The person to whom either a dispensary permit is issued by the City and who is identified as a primary caregiver in California Health and Safety Code Section 11362.7, subdivision (d), and (e).

F. Person. An individual, partnership, co-partnership, firm, association, joint stock company, corporation, limited liability company or combination of the above in whatever form or character.

G. Person with an Identification Card. As set forth in California Health and Safety Code Section 11362.5 et seq., and as amended from time to time.

H. Physician. A licensed medical doctors including a doctor of osteopathic medicine as defined in the California Business and Professions Code.

I. Primary Caregiver. As defined in subdivision (d) of California Health and Safety Code Section 11362.7 as it may be amended from time to time.

J. Qualified Patient. As defined in California Health and Safety Code Section 11362.5 et seq., and as it may be amended from time to time.

K. School. An institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle, or junior high school, senior high school, or any special institution of education for persons under the age of eighteen years, whether public or private.

28.80.030 Dispensary Permit Required to Operate.

It is unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a dispensary unless the person first obtains and continues to maintain in full force and effect a Dispensary Use Permit issued by the City Staff Hearing Officer pursuant to this Chapter, or by the Planning Commission on an appeal from a decision by the Staff Hearing Officer.

28.80.040 Business License Tax Liability.

An operator of a dispensary shall be required to apply for and obtain a Business Tax Certificate pursuant to Chapter 5.04. as a prerequisite to obtaining a permit pursuant to the terms of this Chapter, as required by the State Board of Equalization. Dispensary sales shall be subject to sales tax in a manner required by state law.

28.80.050 Imposition of Dispensary Permit Fees.

Every application for a dispensary permit or renewal shall be accompanied by an application fee, in an amount established by resolution of the City Council from time to time at a amount calculated to recover the City's full cost of reviewing and issuing the dispensary permit pursuant to this chapter. This application or renewal fee shall not include the standard City fees for fingerprinting, photographing, and background check costs and shall be in addition to any other business license fee or permit fee imposed by this Code or other governmental agencies.

28.80.060 Limitations on the Permitted Location of a Dispensary.

A. Permissible Zoning for Dispensaries. ~~A dispensary may only be located within the C-2 or C-M zoned areas of the City as so designated in the General Plan, Title 28 of the Municipal Code, and City Zoning map provided, however, that~~ Dispensaries may only also be located on parcels within the City situated as follows:

1. any parcel fronting on State Street between Calle Laureles and the westerly boundary of the City at the intersection State Street and Calle Real;
2. any parcel fronting on Milpas between Canon Perdido Street and Carpinteria Street;
3. any C-P zoned parcel fronting on Cliff Drive within 1000 feet of the intersection of Cliff Drive and Meigs Road;
4. any parcel fronting on De La Vina Street between Alamar Street and State Street;
5. any parcel fronting on Mission Street between State Street and De La Vina Street;

6. any parcel on Chapala Street between Sola Street and U.S. Highway 101;

7. any parcel on Haley Street or Gutierrez Street between Santa Barbara Street and Olive Street.

B. Storefront Locations. A dispensary shall only be located in a visible store-front type location which provides good public views of the dispensary entrance, its windows, and the entrance to the dispensary premises from a public street.

C. Areas and Zones Where Dispensaries Not Permitted.

Notwithstanding subparagraph (A) above, a dispensary shall not be allowed or permitted in the following locations or zones:

1. On a parcel located within 500 feet of a school or a park unless the park is separated from the proposed dispensary location by U.S. Highway 101; or

2. On a parcel located within ~~500~~ 1000 feet of a permitted dispensary provided that this separation requirement shall not apply to dispensary locations separated by U.S. Highway 101; or

~~3. On a parcel fronting on State Street between Cabrillo Boulevard and Arrellaga Street; or~~

~~3.4.~~ On a parcel zoned R-O or zoned exclusively for residential use.

~~4.5.~~ On a parcel being used as a mixed residential/commercial use condominium project at the time of the adoption of this ordinance.

~~56.~~ On a parcel located within 1000 feet of a legally permitted homeless shelter facility.

D. Locational Measurements. The distance between a dispensary and above-listed uses shall be made in a straight line from any parcel line of the real property on which the dispensary is located to the parcel line the real property on which the facility, building, or structure, or portion of the building or structure, in which the above listed use occurs or is located. For the purposes of determining compliance with the locational restrictions imposed by this section, the permissibility of a proposed dispensary location shall be determined by City staff

based on the date the permit application has been deemed complete by the City with the earliest complete applications deemed to have priority over any subsequent dispensary application for any particular location.

E. Maximum Number of Dispensary Permits. Notwithstanding the above, the City may not issue a total of more than seven (7) dispensary permits at any one time and no more than seven (7) permitted dispensaries may legally operate within the City at any one time.

28.80.070 Operating Requirements for Dispensaries.

Dispensary operations shall be permitted and maintained only in compliance with the following day-to-day operational standards:

A. Criminal History. A dispensary permit applicant, his or her agents or employees, volunteer workers, or any person exercising managerial authority over a dispensary on behalf of the dispensary applicant shall not have been convicted of a felony or be on probation or parole for the sale or distribution of a controlled substance.

B. Minors. It is unlawful for any dispensary permittee, operator, or other person in charge of any dispensary to employ any person who is not at least 18 years of age. Persons under the age of 18 shall not be allowed on the premises of a dispensary unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian. The entrance to a dispensary shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

C. Dispensary Size and Access. The following dispensary and access restrictions shall apply to all dispensaries permitted by the Chapter:

1. A dispensary shall not be enlarged in size (i.e., increased floor area) without a prior approval from the Staff Hearing Officer amending the existing dispensary permit pursuant to the requirements of this Chapter.

2. The entrance area of the dispensary building shall be strictly controlled; A viewer or video camera shall be

installed in the door that allows maximum angle of view of the exterior entrance.

3. Dispensary personnel shall be responsible for monitoring the real property of the dispensary site activity (including the adjacent public sidewalk and rights-of-way) of the block within which the dispensary is operating for the purposes of controlling loitering.

4. Only dispensary staff, primary caregivers, qualified patients and persons with bona fide purposes for visiting the site shall be permitted within a dispensary.

5. Qualified patients or primary caregivers shall not visit a dispensary without first having obtained a valid written recommendation from their physician recommending use of medical cannabis.

6. Only a primary caregiver and qualified patient shall be permitted in the designated dispensing area along with dispensary personnel.

7. Restrooms shall remain locked and under the control of Dispensary management at all times.

D. Dispensing Operations. The following restrictions shall apply to all dispensing operations by a dispensary:

1. A dispensary shall only dispense to qualified patients or a primary caregivers with a currently valid physicians approval or recommendation in compliance with the criteria in California Health and Safety Code Section 11362.5 et seq.. Dispensaries shall require such persons to provide valid official identification, such as a Department of Motor Vehicles driver's license or State Identification Card.

2. Prior to dispensing medical cannabis, the dispensary shall obtain a verification from the recommending physician's office personnel that the individual requesting medical cannabis is or remains a qualified patient pursuant to state Health & Safety Code Section 11362.5.

3. A dispensary shall not have a physician on-site to evaluate patients and provide a recommendation or prescription for the use of medical cannabis.

E. Consumption Restrictions. The following medical marijuana consumption restrictions shall apply to all permitted dispensaries:

1. Cannabis shall not be consumed by patients on the premises of the dispensary.

The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking areas, or other surroundings within 200 feet of the dispensary's entrance. Dispensary employees who are qualified patients may consume cannabis within the enclosed building area of the premises, provided such consumption occurs only via oral consumption (i.e., eating only) but not by means of smoking or vaporization.

2. Dispensary operations shall not result in illegal re-distribution or sale of medical cannabis obtained from the dispensary, or use or distribution in any manner which violates state law.

F. Retail Sales of Other Items by a Dispensary. The retail sales of dispensary related or marijuana use items may be allowed under the following circumstances:

1. With the approval of the Staff Hearing Officer, a dispensary may conduct or engage in the commercial sale of specific products, goods, or services in addition to the provision of medical cannabis on terms and conditions consistent with this chapter and applicable law.
2. No dispensary shall sell or display any drug paraphernalia or any implement that may be used to administer medical cannabis.
3. A dispensary shall meet all the operating criteria for the dispensing of medical cannabis as is required pursuant to California Health and Safety Code Section 11362.5 et seq.

G. Operating Plans. In connection with a permit application under this Chapter, the applicant shall provide, as part of the permit application, a detailed Operations Plan and, upon issuance of the dispensary permit, shall operate the dispensary in accordance with the Operations Plan as such plan is approved by the Staff Hearing Officer:

1. Floor Plan. A dispensary shall have a lobby waiting area at the entrance to the dispensary to receive clients, and a separate and secure designated area for dispensing medical cannabis to qualified patients or designated caregivers. The primary entrance shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

2. Storage. A dispensary shall have suitable locked storage on premises, identified and approved as a part of the security plan, for after-hours storage of medical cannabis.

3. Security Plans. A dispensary shall provide adequate security on the premises, in accordance with a security plan approved by the Chief of Police and as reviewed by the Staff Hearing Officer, including provisions for adequate lighting and alarms, in order to insure the safety of persons and to protect the premises from theft. All security guards used by dispensaries shall be licensed and employed by a state licensed security company and each guard used shall possess a valid state Department of Consumer Affairs "Security Guard Card" at all times. Security guards shall not possess or carry firearms or tazers.

5. Security Cameras. Security surveillance cameras shall be installed to monitor the main entrance and exterior of the premises to discourage and to report loitering, crime, illegal or nuisance activities. Security video shall be maintained for a period of not less than 72 hours.

6. Alarm System. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the dispensary at all times.

7. Emergency Contact. A dispensary shall provide the Chief of Police with the name, cell phone number, and facsimile number of an on-site community relations staff person to whom the City may provide notice of any operating problems associated with the dispensary.

H. Dispensary Signage and Notices.

1. A notice shall be clearly and legibly posted in the dispensary indicating that smoking, ingesting or consuming

cannabis on the premises or in the vicinity of the dispensary is prohibited.

2. Signs on the premises shall not obstruct the entrance or windows.

3. Address identification shall comply with Fire Department illuminated address signs requirements.

4. Business identification signage shall comply with the City's Sign Ordinance (SBMC Chapter 22.70) and be limited to that needed for identification only, consisting of a single window sign or wall sign that shall not exceed six square feet in area or 10 percent of the window area, whichever is less.

I. Employee Records. Each owner or operator of a dispensary shall maintain a current register of the names of all volunteers and employees currently working at or employed by the dispensary on-site at the dispensary at all times, and shall disclose such registration for inspection by any City officer or official but only for the purposes of determining compliance with the requirements of this chapter.

J. Patient Records. A dispensary shall maintain confidential health care records of all patients and primary caregivers using only the identification card number issued by the county, or its agent, pursuant to California Health and Safety Code Section 11362.71 et seq., (as a protection of the confidentiality of the cardholders) or a copy of the written recommendation from a physician or doctor of osteopathy stating the need for medical cannabis under state Health & Safety Code Section 11362.5. Such records shall be maintained on-site at the dispensary at all times.

M. Staff Training. Dispensary staff shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding dispensing in compliance with state and local law and this Chapter, and properly trained or professionally-hired security personnel.

N. Site Management.

1. The operator of the establishment shall take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and

adjacent properties during business hours if directly related to the patrons of the subject dispensary.

2. The operator shall take all reasonable steps to reduce loitering in public areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours.

3. The operator shall provide patients with a list of the rules and regulations governing medical cannabis use and consumption within the City and recommendations on sensible cannabis etiquette.

O. Trash, Litter, Graffiti.

1. The operator shall clear the sidewalks adjoining the premises plus 10 feet beyond property lines along the street as well as any parking lots under the control of the operator as needed to control litter, debris and trash.

2. The operator shall remove all graffiti from the premises and parking lots under the control of the operator within 72 hours of its application.

P. Compliance with Other Requirements. The dispensary operator shall comply with all provisions of all local, state or federal laws, regulations or orders, as well as any condition imposed on any permits issued pursuant to applicable laws, regulations or orders.

Q. Display of Permit. Every dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the dispensary.

R. Alcoholic Beverages. No dispensary shall hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operate a business on the premises that sells alcoholic beverages. No alcoholic beverages shall be allowed or consumed on the premises.

S. Parking Requirements. Dispensaries shall be considered office uses relative to the parking requirements imposed by Section 28.90.100(I).

28.80.080 Dispensary Permit Application - Preparation and Filing.

A. Application Filing. A complete Performance Standard Permit use permit application submittal packet shall be submitted including all necessary fees and all other information and materials required by the City and this chapter. All applications for permits shall be filed with the Community Development Department, using forms provided by the City, and accompanied by the applicable filing fee. It is the responsibility of the applicant to provide information required for approval of the permit. The application shall be made under penalty of perjury.

B. Eligibility for Filing. Applications may only be filed by the owner of the subject property, or by a person with a lease signed by the owner or duly authorized agent of the owner expressly allowing them the right to occupy the property for the intended dispensary use.

C. Filing Date. The filing date of any application shall be the date when the City receives the last submission of information or materials required in compliance with the submittal requirements specified herein.

D. Effect of Incomplete Filing. Upon notification that an application submittal is incomplete, the applicant shall be granted an extension of time to submit all materials required to complete the application within 30 days. If the application remains incomplete in excess of 30 days the application shall be deemed withdrawn and new application submittal shall be required in order to proceed with the subject request. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

E. Effect of Other Permits or Licenses. The fact that an applicant possesses other types of state or City permits or licenses does not exempt the applicant from the requirement of obtaining a dispensary permit.

28.80.090 Criteria for Review of Dispensary Applications by Staff Hearing Officer.

A. Decision on Application. Upon an application for a Dispensary permit being deemed complete, the Staff Hearing Officer, or the Planning Commission on appeal of a decision of the Staff Hearing

Officer, shall either issue a Dispensary permit, issue a Dispensary permit with conditions in accordance with this chapter, or deny a Dispensary permit.

B. Criteria for Issuance. The Staff Hearing Officer, or the Planning Commission on appeal, shall consider the following criteria in determining whether to grant or deny a dispensary permit:

1. That the dispensary permit is consistent with the intent of the state Health & Safety Code for providing medical marijuana to qualified patients and primary caregivers and the provisions of this Chapter and the Municipal Code, including the application submittal and operating requirements herein.
2. That the proposed location of the Dispensary is not identified by the City Chief of Police as an area of increased or high crime activity. ~~(e.g., based upon crime reporting district/statistics as maintained by the Police Department.~~
3. For those applicants operating other Dispensaries within the City, that there have not been significant numbers of calls for police service, crimes or arrests in the area or to the applicant's existing dispensary location.
4. That all required application fees have been paid and reporting requirements have been satisfied in a timely manner.
5. That issuance of a dispensary permit for the dispensary size requested is appropriate justified to meet needs of community for access to medical marijuana.
6. That issuance of the dispensary permit would serve needs of City residents within a proximity to this location.
7. That the location is not prohibited by the provisions of this chapter or any local or state law, statute, rule, or regulation and no significant nuisance issues or problems are likely or anticipated ~~or resulted~~ and that compliance with other applicable requirements of the City's Zoning Ordinance will be accomplished.

8. That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems and as specified in the operating requirements section. These features may include, but are not limited to, security on-site; procedure for allowing entry; openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.

9. That all reasonable measures have been incorporated into the security plan or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, cannabis use in public, or creation of a public or private nuisance, or interference of the operation of another business.

10. That the dispensary is likely to have no potentially ~~would not~~ adversely affect on the health, peace, or safety of persons living or working in the surrounding area, overly burden a specific neighborhood, or contribute to a public nuisance; or that the dispensary will generally not result in repeated nuisance activities including disturbances of the peace, illegal drug activity, cannabis use in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.

11. That any provision of the Municipal Code or condition imposed by a City issued permit, or any provision of any other local, or state law, regulation, or order, or any condition imposed by permits issued in compliance with those laws will not be violated.

12. That the applicant has not knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit.

13. That the applicant has not engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices with respect to the operation of another business within the City.

28.80.100 Appeal from Staff Hearing Officer Determination.

A. Appeal to the Planning Commission. An applicant or any interested party who disagrees with the Staff Hearing Officer's decision to issue, issue with conditions, or to deny a dispensary permit may appeal such decision to the City Planning Commission by filing an appeal pursuant to the requirements of subparagraph (B) of Section 28.05.020 of the Municipal Code.

B. Notice of Planning Commission Appeal Hearing. Upon the filing of an appeal pursuant to subparagraph (A) above, the Community Development Director shall provide public notice in accordance with the notice provisions of SBMC Section 28.87.380.

C. Planning Commission Appeal. Notwithstanding subparagraph (C) of Section 28.05.020, Section 28.87.360, and Section 1.30.050, a decision by the Planning Commission on appeal of the Staff Hearing Officer pursuant to this Chapter shall be final and may not be appealed to the City Council.

28.80.110 Suspension and Revocation by Planning Commission.

A. Authority to Suspend or Revoke a Dispensary Permit.

Consistent with Section 28.87.360, any dispensary permit issued under the terms of this chapter may be suspended or revoked by the Planning Commission when it shall appear to the Commission that the permittee has violated any of the requirements of this chapter or the dispensary is operated in a manner that violates the provisions of this chapter, including the operational requirements of this Chapter, or in a manner which conflicts with state law.

B. Annual Review of Dispensary Operations. The staff of the Community Development Department and the Police Department are hereby authorized to conduct an annual review of the operation of each permitted dispensary within the City for full compliance with the operational requirements of this Chapter, including specifically a verification that all persons employed or volunteering at the dispensary have not been convicted of or on probation for a crime related to the possession, sale, or distribution of controlled substances. The staff may initiate a permit suspension or revocation process for any dispensary which is found not to be in compliance with the requirements of this Chapter or which is operating in a manner which constitutes a public nuisance.

C. B- Suspension or Revocation - Written Notice. Except as otherwise provided in this chapter, no permit shall be revoked or suspended by virtue of this chapter until written notice of the intent to consider revocation or suspension of the permit has been served upon the person to whom the permit was granted at least ten (10) days prior to the date set for such review hearing and the reasons for the proposed suspension or revocation have been provided to the permittee in writing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery to the permittee, or by depositing such notice in the U.S. mail in a sealed envelope, postage prepaid, (via regular mail and return receipt requested), addressed to the person to be notified at his or her address as it appears in his or her application for a dispensary permit.

C. Appeal of Planning Commission Decision. Notwithstanding subparagraph (C) of Section 28.05.020, Section 28.87.360, and Section 1.30.050, a decision by the Planning Commission to suspend or revoke a permit issued pursuant to this Chapter shall be final and may not be appealed to the City Council.

28.80.120 Transfer of Dispensary Permits.

A. Permit - Site Specific. A permittee shall not operate a dispensary under the authority of a dispensary permit at any place other than the address of the dispensary stated in the application for the permit. All dispensary permits issued by the City pursuant to this chapter shall be non-transferable.

B. Transfer of a Permitted Dispensary. A permittee shall not transfer ownership or control of a dispensary or attempt to transfer a dispensary permit to another person unless and until the transferee obtains an amendment to the permit from the Staff Hearing Officer pursuant to the permitting requirements of this chapter stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Community Development Department in accordance with this all provisions of this chapter accompanied by the required application fee.

C. Request for Transfer with a Revocation or Suspension Pending. No dispensary permit may be transferred (and no permission for a transfer may be issued) when the Community Development

Department has notified in writing the permittee that the permit has been or may be suspended or revoked and a notice of such suspension or revocation has been provided.

D. Transfer without Permission. Any attempt to transfer a permit either directly or indirectly in violation of this section is declared void, and the permit shall be deemed revoked.

28.80.130 Medical Marijuana Vending Machines.

No person shall maintain, use, or operate a vending machine which dispenses marijuana to a qualified patient or primary caregiver unless such machine is located within the interior of a duly permitted dispensary.

SECTION THREE. Those Dispensaries which were authorized and permitted pursuant to the Santa Barbara Municipal Code Chapter 28.80 prior to the date of the adoption of the ordinance enacting these amendments to Chapter 28.80 shall be deemed pre-existing legal uses of real property upon which they are situated for a period of one hundred eighty (180) days from the effective date of this Ordinance provided the following operational conditions are complied with:

1. the dispensary shall not be relocated nor shall it be discontinued for a period of time in excess of thirty (30) consecutive days without obtaining a dispensary permit pursuant to this Chapter;
2. the operation of the dispensary shall comply with all portions of Chapter 28.80 (as enacted by this Ordinance) except for the locational provisions of Section 28.80.060; and
3. the dispensary shall be subject to the requirements for non-conforming uses of SBMC section 28.87.030 until such time that they have been permitted under this Ordinance.

Prior to the expiration of the one hundred eighty (180) day non-conforming period, all medical marijuana dispensaries operating as allowed dispensaries which pre-date the date of the initial enactment of this Chapter or which were permitted between the date of March 26, 2008 and the effective date of this Ordinance shall either obtain a dispensary permit (as required by and in full accord with this Ordinance) or shall discontinue such use not later than the end of the one-hundred-eighty (180) day amortization period provided for herein. No such pre-existing

legal dispensary shall be assigned or otherwise transferred to a new owner or owners, whether voluntarily or by operation of law, without having obtained a permit pursuant to this Ordinance.

swiley\ord\Medical.Marijuan.Disp-2009 Revisions
November 18, 2009 3:31 pm

CORRESPONDENCE

PASEO CHAPALA RESIDENTIAL / OFFICE ASSOCIATION

Das Williams
Dale Francisco
Grant House

October 23, 2009

Dear Members of the Ordinance Committee:

You have received a copy of the appeal of the Farmacy permit that was filed on October 15, 2009. The appeal was filed by The Paseo Chapala Residential / Office Association, and BDC Paseo Chapala, LLC which owns five residences.

The Commercial Association is controlled by Ray Mahboob, but both the Commercial and Residential / Office associations are subject to the same CC& R's. Mr. Mahboob acquired his commercial property with this requirement as a condition of purchase.

We had attached a complete copy of the CC& R's to the appeal that you previously received.

There have been discussions by your committee that CC&R's of mixed use projects, in effect before the adoption of the current ordinance, would not have known that dispensaries were going to be permitted by the City. That is a correct assumption. Therefore they did not have an opportunity to restrict this use.

Similarly BDC Paseo Chapala, LLC the developer, in its sale of the commercial property to Mr. Mabooob prior to the adoption of the current ordinance, required that Mr. Mabooob not engage in City permitted activities that may be a nuisance to the owners. Exhibit F from the agreement, which is attached, shows these activities include a "head shop" and "adult book store". If at that time if a dispensary were a permitted use by the City, it would have been on the list as well. Note also that a nuisance in general, is also not permitted under (g).

The Paseo Chapala project CC& R's, by its terms is to be liberally construed and intentionally does not detail the specific activities that would a nuisance, so as not to miss any that may arise in the future.

The Paseo Chapala CC&R's contain provisions that:

Each Board can determine which activities may or may become nuisances. (A nuisance does not have yet to occur.)

Prohibit illegal activities including those which are illegal by Federal law. (Possession of marijuana is a Federal offense.), and

Security may, but does not have to be allowed by each association. (Commercial owner cannot force security in the common area of the Residential / Office Association – e.g. the parking garage).

Each Board and individual owners (total of 31) can enforce the CC& R's against other owners.

Since mixed use condominiums are in such proximity to each other within the same structure, high standards of care are required of every owner. This is the expectation of owners when they buy a condominium unit, and why CC&R's need to be created with this in mind. The recordation of these requirements are also required by the Department of Real Estate, construction and mortgage lenders, and the City itself in approving a single lot condominium mapped project.

Mr. Mahboob as well as the Farmacy his proposed tenant knows they have to comply with the CC& R's. However in their application and public comments, they have chosen to either ignore the CC&R provisions that negatively impact them (only submitted selected pages of the CC&R's with their application), or relay solely on compliance with the current dispensary law to move forward.

It is frustrating to the condominium owners of Paseo Chapala to be site selected for a dispensary, when only one would be allowed in downtown and there are so many purely commercial structures that could accommodate a dispensary. (This begs the question, why can't a dispensary be placed in the central business district on State Street? What is wrong with that alternative, since it would eliminate the need to put the only downtown dispensary in Paseo Chapala --- against the recorded rights of the owners?)

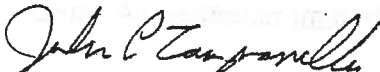
If the Council wants to set up a model dispensary ordinance, then site approval needs to avoid current and future conflicts, which have already begun in the case of Paseo Chapala.

Other sites are much better for a downtown dispensary.

For these reasons we request that the Ordinance Committee recommend to the City Council that dispensaries not be allowed in existing mixed-use condominiums.

We look forward to speaking further with you on this important issue.

PASEO CHAPALA RESIDENTIAL / OFFICE ASSOCIATION



John P. Campanella
President

October 15, 2009

Planning Commission Members
630 Garden Street
Santa Barbara, CA 93101
ATTN: Julie Rodriguez, Planning Commission Secretary

Dear Planning Commission Members:

The Paseo Chapala Residential/Office Association and BDC Paseo Chapala, LLC the owner of five residences, hereby appeal the decision of Susan Reardon, a City Staff Hearing Officer, on October 7, 2009, granting a medical cannabis dispensary permit to The Farmacy Santa Barbara, Inc., (the "Farmacy") for a dispensary to be located at 741-781 Chapala Street (MST2009-00268). This appeal is based on the Hearing Officer's actions which are not in accord with Chapter 28.80 of the City's Municipal Code and which constitute error and an abuse of discretion.

First, the approval of the permit will result in the violation of both federal and state law. Federal law, because the possession and sale of marijuana, a category 1 controlled substance, is prohibited under 21 U.S.C. § 801 et seq. and because federal law pre-empts state law. *Gonzales v. Raich*, 545 U.S. 1 (2005). State law because the Compassionate Use Act of 1996, Health & Safety Code § 11362.5(d), protects only permitted users and primary caregivers from California laws criminalizing the possession and sale of marijuana. The Farmacy is neither. *People v. Mentch*, 45 Cal.4th 274 (2008). Thus, the findings required by §§ 28.80.090.B.10 and 11 cannot be made.

Second, precisely because the possession of marijuana violates federal law, there is no way that the Farmacy's customers will be allowed to use the parking garage in the Paseo Chapala project. The parking garage is under the control of the Residential/Office Association. The Farmacy provided the Hearing Officer with portions of the declaration of conditions, covenants and restrictions for the project (the "CC&Rs") but failed to provide those portions of the CC&Rs which deal with the prohibition against the maintenance of nuisances. A complete copy of the CC&Rs is attached as Exhibit A. It should be noted that the CC&Rs cover both the Residential/Office Association and the Commercial Association.

CC&R § 5.1.H states:

"Each Association shall maintain and operate its respective Common Area in accordance with all applicable municipal, state, and federal laws, statutes and ordinances, as the case may be. Each Association shall also, as a separate and distinct responsibility, take reasonable action to require that third parties (including Owners and their guests) utilize the Common Areas in accordance with the aforementioned laws. Each Association shall, when it becomes aware of any violation of

the aforementioned laws, take reasonable action to expeditiously correct such violations."

CC&R § 7.7 states, in pertinent part:

"No noxious, **illegal**, or seriously offensive activities shall be carried on within the Condominium, or in any part of the Project, nor shall anything be done thereon that which [sic] may be or may become a serious annoyance or a nuisance to or which may in any way interfere with the quiet enjoyment of each of the Owners' Condominiums A Board is entitled to determine if any device, noise, odor, or activity within the area under its control constitutes a nuisance." [Emphasis added.]

The Board of the Residential/Office Association has determined that the use of the common area under its control by the Farmacy's customers – purchasers of marijuana – and by those members of the Farmacy's staff who are entitled to use medical marijuana on-site will constitute a nuisance under § 7.7 because that use will result in violations of federal law, will substantially and adversely affect the security of residents within the project and will generally diminish their quiet enjoyment.

The Board of the Residential/Office Association will enforce the provisions in the CC&Rs and will not allow any use of its common area which violates any of the provisions or which make their violation possible, i.e., it will not allow either surveillance cameras to be installed nor will allow guards to be stationed in the common areas. Further, the Board's authority to enforce the CC&Rs is not exclusive; it anticipates that individual owners within the Association will also enforce those provisions even if the Board doesn't. BDC Paseo Chapala, LLC, the owner of five residences also has a right to enforce these provisions.

Third, there has been no evidence provided which would justify findings under §§ 28.80.090.B.5 or 6. There has been no demonstration that either the needs of the community in general or those of people in proximity to the proposed location require the issuance of a dispensary permit to the Farmacy. In fact, Danny Kato, a Senior Planner with the City, has provided a list of 13 other locations where dispensaries are currently approved and either operating or will soon be operating, are currently operating as legal nonconforming uses or have applications pending. A copy of Mr Kato's e-mail listing the various locations is attached as Exhibit B.

Fourth, the Hearing Officer misconstrued the City Council's intent when she approved the permit in a mixed use building which currently contains 29 residential condominiums, the first of which was sold on August 1, 2007, over seven months before Chapter 28.80 was adopted on March 18, 2008. The proposed location is in a C-2 zone. Section 28.80.060.A allows dispensaries in C-2 zones; § 28.80.060.C.4. prohibits them in zones zoned for residential uses. C-2 zones allow all uses allowed in C-P zone. Section 28.66.030.A. The C-P zone allows residential uses, Section 28.54.030.A. Read literally, this would bar dispensaries in the C-2 zone which is clearly

contrary to the Council's intent. However, both the restrictions in § 28.060.C.4 and the introductory sentence in § 28.66.001 – the C-2 zone "strives to provide a desirable living environment by preserving and protecting surrounding residential land uses –" make it clear that the Council's intent was not to allow dispensaries to be located in mixed use buildings which, at the time that Chapter 28.80 was adopted, contained residential units. The effect of the Hearing Officer's approval is contrary to the terms of § 28.80.090.B.10 because the Farmacy's operations will adversely affect the health, peace, and safety of the existing residents and will, as noted above, result in illegal drug activities.

The CC&Rs did not specifically prohibit medical marijuana dispensaries when they were adopted in 2007 because no one had any reason to believe they would become a legal use in the City. No one who became a resident in the Paseo Chapala project prior to March, 2008, was concerned about the possible presence of such a dispensary for the same reason. Were the CC&Rs being written for the project today, they would contain such a prohibition because of the residents' concerns for their safety and security.

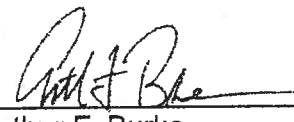
The task of the Planning Commission, as with the courts, is to effectuate the Council's intention. That intention was clearly to not allow medical marijuana dispensaries in mixed use buildings which already have residents in them. The Hearing Officer's approval of the Farmacy's application and the grant of the permit to it is contrary to that intention and should be reversed.

Sincerely,

PASEO CHAPALA RESIDENTIAL/
OFFICE ASSOCIATION

By: 
John P. Campanella
President

BDC PASEO CHAPALA, LLC

By: 
Arthur F. Burke
Chief Financial Officer of
Bermant Homes, Manager

Enclosures

cc: Mayor & Council Members, 735 Anacapa St., Santa Barbara, CA 93102
Ordinance Committee Members, 735 Anacapa St., Santa Barbara, CA 93102
Kelly Brodison, Assistant Planner, 630 Garden St., Santa Barbara, CA 93101
Danny Kato, Senior Planner, 630 Garden St., Santa Barbara, CA 93101

EXHIBIT F

USE RESTRICTIONS

Buyer shall not use or permit the use of the Property for any of the following uses: (a) funeral homes; (b) any production, manufacturing, industrial, or storage use of any kind or nature, except for storage and/or production of products incidental to the retail sale thereof from the Property; (c) entertainment or recreational facilities ("entertainment or recreational facilities" includes, but are not limited to, a bowling alley, skating rink, electronic or mechanical games arcade, theater, billiard room or pool hall, massage parlor, discotheque, dance hall, banquet hall, night club, bar or tavern (*does not include an upscale restaurant with a bar*) head shop, pornographic or adult store, racquetball court or gymnasium, or other place of public amusement); (d) training or educational facilities ("training or educational facilities" includes, but are not limited to, a beauty school, child care facility, barber college, library, reading room, church, school, place of instruction, or any other operation catering primarily to students or trainees rather than to customers); (e) car washes, gasoline or service stations, or the displaying, repairing, renting, leasing, or sale of any motor vehicle, boat or trailer; (f) dry cleaner with on-premises cleaning; (g) any use which creates a nuisance or materially increases noise or the emission of dust, odor, smoke, gases, or materially increases fire, explosion or radioactive hazards in the project, (h) any business with drive-up or drive-through lanes; and (i) second-hand or thrift stores, or flea markets.

City of Santa Barbara
 Mayor & Council members
 Attn: Linda Gunther
 735 Anacapa Street
 Santa Barbara, CA 93102

NOVEMBER 14, 2009

Dear Mayor Blum & City Council members:

We the undersigned of this petition support a ban to prohibit Medical Cannabis Dispensaries from existing mixed-use buildings. We feel this is prohibited by both Federal and State Law, and is in violation our own building's CC&Rs. A medical marijuana dispensary recently received City approval for a business permit to operate within our mixed-use Paseo Chapala building at 741-781 Chapala Street, which we have appealed. Since such facilities are prohibited from residential R-2 and R-O zones of the City, they should also be prohibited from mixed-use buildings as a type of business that is unsuited to our mostly residential building with over 30 residents. We also feel that the City, by its approval of such facilities, promotes illegal activities that will be a "nuisance" to owners of residential units in our building and as such, is specifically in violation of our CC&Rs. Every condominium owner of our mixed-use building signed *in good faith* to be bound by the CC&Rs prior to their purchase, including the commercial condominium owner who now intends to lease part of his space to the dispensary. It is simply unreasonable *to force* owners and residents of a pre-existing mixed-use buildings to comply with the later adopted Ordinance, accept such facilities and make them part of our *daily* lives. As concerned citizens and tax payers, we look to you, our leaders in the community, for guidance and support.

Thank you!

	Names	Signatures	Condominium Addresses	Contact Info: (Optional)
1	Kathleen Apo	Kathleen Apo	105-W De la Guerra St	Kg00@SANTABARBARA.CA.GOV
2	Brock Dumont	Brock Dumont	105 W De La Guerra St L	brockd@cox.net
3	Peter Arnesen	Peter Arnesen	105 W De La Guerra St M	
4	Ivana Sanchez	Ivana Sanchez	105 W De La Guerra	
5	Ana Sanchez	Ana Sanchez	105 W De La Guerra	
6	Rick Sanchez	Emmanuel	105 W De La Guerra	
7	Kay Stern	Kay Stern	" " P	
8	Adam MADOKORO	Adam Madoko	105 W De La Guerra HD	
9	NAKISA HERRICK	Nakisa M. Herrick	105 W. De La Guerra St B7	
10	TOMMY HERRICK	Tommy Herrick	105 W. De La Guerra St B7	
11	JOHN CAMPANELLA	John Campanella	105 W. DE LA GUERRA #6	
12	BDC PASEO CHAPALA LLC	John Campanella	105 W DE LA GUERRA #B	
13	BDC PASEO CHAPALA LLC	John Campanella	105 W DE LA GUERRA #C	
14	BDC PASEO CHAPALA LLC	John Campanella	105 W DE LA GUERRA #D	
15	BDC PASEO CHAPALA LLC	John Campanella	105 W DE LA GUERRA #R	
16	BDC PASEO CHAPALA LLC	John Campanella	105 W DE LA GUERRA #T	
17	ALENA KITSON	Aleena Kitson	105 W DE LA GUERRA #N	
18	GREGG ROLAND	Gregg Roland	105 W De La Guerra N	

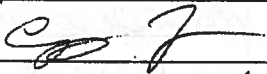
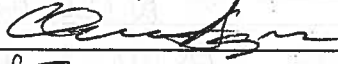
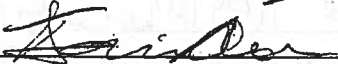
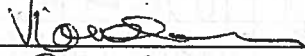

City of Santa Barbara
 Mayor & Council members
 Attn: Linda Gunther
 735 Anacapa Street
 Santa Barbara, CA 93102

November 14, 2009
 Page 2

Dear Mayor Blum & City Council members:

We the undersigned of this petition support a ban to prohibit Medical Cannabis Dispensaries from existing mixed-use buildings. We feel this is prohibited by both Federal and State Law, and is in violation our own building's CC&Rs. A medical marijuana dispensary recently received City approval for a business permit to operate within our mixed-use Paseo Chapala building at 741-781 Chapala Street, which we have appealed. Since such facilities are prohibited from residential R-2 and R-O zones of the City, they should also be prohibited from mixed-use buildings as a type of business that is unsuited to our mostly residential building with over 30 residents. We also feel that the City, by its approval of such facilities, promotes illegal activities that will be a "nuisance" to owners of residential units in our building and as such, is specifically in violation of our CC&Rs. Every condominium owner of our mixed-use building signed *in good faith* to be bound by the CC&Rs prior to their purchase, including the commercial condominium owner who now intends to lease part of his space to the dispensary. It is simply unreasonable *to force* owners and residents of a pre-existing mixed-use buildings to comply with the later adopted Ordinance, accept such facilities and make them part of our *daily* lives. As concerned citizens and tax payers, we look to you, our leaders in the community, for guidance and support.

Thank you!

	Names	Signatures	Condominium Addresses	Contact Info: (Optional)
1	COTÉ Y TOTI		105 W DE LA GUERRA UNIT W	
2	CHRIS Agnoli		105 W. De la Guerra	Unit 4
3	CHRIS Agnoli		105 W. De la Guerra	" "
4	Vladimir Coperman		105 W. De la Guerra	Unit 10
5	Vladimir Coperman		105 W. De la Guerra	" "
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City of Santa Barbara
Mayor & City Council members
735 Anacapa Street
Santa Barbara, CA 93101
Attn: Linda Gunther, CAO Supervisor

Subject: City Council Review of Medical Cannabis Dispensary Ordinance on Tuesday, November 17, 2009.

Dear Mayor & Council members:

In regards to City Council's review of the Medical Dispensary Ordinance, as a resident of the Paseo Chapala Residential/Office Association, I am submitting this letter to state my personal views. I personally have nothing against medical cannabis dispensaries, and believe they serve a mixed purpose in our community, but specifically where they are located within the City requires special consideration.

A medical marijuana dispensary recently received City approval for a business permit to operate within my mixed-use Paseo Chapala building on the corner of De la Guerra and Chapala Streets. This approval has been appealed and is scheduled for Planning Commission review on December 10th. I feel such dispensaries are prohibited by State and Federal Law. I also feel that the City, by its approval of such facilities, promotes illegal activities that will be a "nuisance" to me and fellow owners of residential units in my building and as such, is specifically in violation of my building's CC&Rs. Every condominium owner of our mixed-use building signed in good faith to be bound by the CC&Rs prior to their purchase, including the commercial condominium owner who now intends to lease part of his commercial space to a dispensary. It is simply unreasonable *to force* owners and residents of pre-existing mixed-use buildings to comply with the later adopted Ordinance, compelling them to make marijuana dispensaries a part of their *daily* lives. And yes, sharing a building with the commercial spaces street-side below does make them a part of resident's daily lives (aside from restaurant patronage, this includes serious impacts to parking, mutual trash concerns, water use, noise concerns, etc.). Such facilities are simply inappropriate in mixed-use buildings for *exactly* the same reasons they are inappropriate for strictly residential zones (R-2, R-3 and R-O-residential office). And mixed-use families are located in much closer proximity than simply next door or just across the street. Our upstairs residential living spaces are mere inches away from the commercial spaces below! Your "home" is your sanctuary; a place you go ~ to live, relax after a hard day's work, raise your children and spend precious family time together. I simply view City approvals of applications in such close proximity as the City granting a marijuana dispensary to be built on my front lawn!

I therefore respectfully request the City Council recommend to the Ordinance Committee placing a **ban** to prohibit Medical Cannabis Dispensaries from existing mixed-use buildings as it is prohibited from State and Federal Law, many existing mixed-use building's CC&Rs, and for the following additional reasons:

- **Proposed Retroactive Restriction/Ban of Dispensaries from Existing Mixed-Use Buildings.** Ordinance Committee member Grant House has proposed a *retroactive* restriction on *existing* mixed-use buildings, with the provision that *future* mixed-use buildings would be required to include medical marijuana dispensaries in their advisory notifications, CC&Rs, or Declaration of Restrictions for Operation of Commercial Areas. I support this recommendation.
- **Proposed Cap on Number of Dispensaries per Area or Citywide.** A suggestion was made by Ordinance Committee Chair Das Williams for further clarification of the proposed "cap" or maximum number of dispensaries allowed per geographic region. The proposal was to allow only a maximum of 7 total dispensaries within the City of Santa Barbara, with only 1 dispensary allowed per geographic region of the City. I support this recommendation.

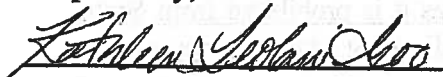
- **Proximity to Paseo Nuevo Mall.** It should be noted that directly across from the Paseo Chapala building, under the existing Ordinance the commercial district along State Street and the Paseo Nuevo Mall directly abutting Chapala Street prohibits dispensaries where families, children, students, and tourists congregate. I am genuinely appalled that the City would consider it even remotely appropriate to locate a dispensary directly across the street from the Mall, let alone so close to the residential families living at Paseo Chapala.
- **Serious Impacts to Neighborhoods:**
 - **Security Concerns.** The Medical Cannabis Dispensary Ordinance, SBMC Chapter 28.80 requires security measures including cameras, exterior lighting, etc. Additionally, the Paseo Chapala's Declaration of Restrictions for Operation of Commercial Area state in Section A, Item 2, "*Provisions to Run with the Land. The foregoing restrictions ('Restrictions') are reasonably necessary to protect present and future human health and safety or the environment of the Project*". Stated "restrictions" in this document do not include medical marijuana dispensaries, but as stated before, they *would* have been included if the need to include them *existed* then. In prior applications, approvals granted by the City's Staff Hearing Officer were made conditional upon the owner being held responsible for activity on and around the property through hire of a "licensed" security guard, which is not appropriate for buildings with families and children living in such close proximity.

I also ask that the Mayor and City Council consider that the City of Santa Barbara and County are the only local governments currently permitting these dispensaries to operate in the mid-coast area. As evidenced since the current Ordinance went into effect, the result has been a virtual flood of applications for dispensaries over the last year. It is inevitable that the City of Santa Barbara will be scrutinized by the surrounding districts in how they answer to the needs of City residents as well as merely commercial interests. In setting an example to the rest of the State of California, I respectfully request that you carefully consider the number of dispensaries approved and the consequences for residents and the future of our fair City.

As a concerned citizen and tax payer, I look to you, our leaders in the community, for guidance, support, and protection. I welcome discussion of these concerns at the City Council 6:00 p.m. Evening Session, and look forward to an equitable resolution to both existing and future potential problems.

Thank you for your time and consideration!

Respectfully,



Kathleen Leolani Goo

Resident and Officer-at-Large for the Paseo Chapala Residential / Office Association

cc: Ordinance Committee members
Paseo Chapala Residential / Office Association Board members
James Nguyen - Bartlein & Company

November 17, 2009

Mayor Blum and Council Members:

The Association of Realtors of Santa Barbara is concerned about the conflicts that have and will arise if medical marijuana dispensaries are allowed in existing mixed-use for-sale condominium buildings.

We strongly request that the City Council prohibit dispensaries in these existing projects.

Since mixed-use condominiums are in such proximity to each other within the same structure, high standards of care are required of every owner – both residential and commercial. This is the expectation of owners when they buy a condominium and why CC&R's are created with this in mind. The recording of these CC&R's are also required by the Department of Real Estate, construction and mortgage lenders, and the City itself in approving a single lot condominium mapped project.

The CC&R's are usually liberal in nature, prohibiting in general illegal activities and nuisances at the association's discretion. Such activities do not have to be specifically identified in the CC&R's in order to be prohibited. The CC&R's can be enforced by the Board or any condominium owner, allowing the broadest form of protection, but also the greater likelihood of conflict if a condominium owner does not abide the rules.

The permitting of a medical marijuana dispensary according to the City Ordinance can be used as a cover to get around the CC&R's to which a commercial condominium owner has previously obligated himself. The fact that dispensaries are illegal by Federal law, do not fully comply with the compassionate use act of the State, is a nuisance and requires security, makes an association Board obligated to fight a dispensary being allowed in an existing mixed-use building.

The responsibilities of the Association of Realtors in providing full disclosure and advice to buyers, necessitates our discouragement of entering sales contracts in existing mixed-use projects if a dispensary could be allowed by City Ordinance.

This inappropriate location and inherent conflicts also undermines the City's goal of creating a model to provide a source of treatment for those in need.

Thank you for not allowing dispensaries in existing mixed-use condominium buildings.

Sincerely,

Association of Realtors

City of Santa Barbara
Mayor & Council members
Attn: Linda Gunther
735 Anacapa Street
Santa Barbara, CA 93102

November 14, 2009

Dear Mayor Blum & City Council members:

I the undersigned of this petition support a **ban** to prohibit Medical Cannabis Dispensaries from existing mixed-use buildings. I feel this is prohibited by both Federal and State Law, and is in violation my own building's CC&Rs. A medical marijuana dispensary recently received City approval for a business permit to operate within my mixed-use Paseo Chapala building at 741-781 Chapala Street, which my condo association has appealed. Since such facilities are prohibited from residential R-2 and R-O zones of the City, they should also be prohibited from mixed-use buildings as a type of business that is unsuited to my mostly residential building with over 30 residents. I also feel that the City, by its approval of such facilities, promotes illegal activities that will be a "nuisance" to owners of residential units in our building and as such, is specifically in violation of my building's CC&Rs. As a condominium owner in my mixed-use building, I signed *in good faith* to be bound by the CC&Rs prior to their purchase, similar to the commercial condominium owner who now intends to lease part of his space to the dispensary. It is simply unreasonable *to force* owners and residents of a pre-existing mixed-use buildings to comply with the later adopted Ordinance, accept such facilities and make them part of our *daily* lives. As concerned citizens and tax payers, I look to you, our leaders in the community, for guidance and support.

Thank you for your attention!

Douglas Etzell

Printed Name

Douglas Etzell

Signature

11/16/09

Date

Paseo Chapala Building
105 West De La Guerra Street
Santa Barbara, CA 93101

City of Santa Barbara
Mayor & Council members
Attn: Linda Gunther
735 Anacapa Street
Santa Barbara, CA 93102

November 14, 2009

Dear Mayor Blum & City Council members:

I the undersigned of this petition support a **ban** to prohibit Medical Cannabis Dispensaries from existing mixed-use buildings. I feel this is prohibited by both Federal and State Law, and is in violation my own building's CC&Rs. A medical marijuana dispensary recently received City approval for a business permit to operate within my mixed-use Paseo Chapala building at 741-781 Chapala Street, which my condo association has appealed. Since such facilities are prohibited from residential R-2 and R-O zones of the City, they should also be prohibited from mixed-use buildings as a type of business that is unsuited to my mostly residential building with over 30 residents. I also feel that the City, by its approval of such facilities, promotes illegal activities that will be a "nuisance" to owners of residential units in our building and as such, is specifically in violation of my building's CC&Rs. As a condominium owner in my mixed-use building, I signed *in good faith* to be bound by the CC&Rs prior to their purchase, similar to the commercial condominium owner who now intends to lease part of his space to the dispensary. It is simply unreasonable *to force* owners and residents of a pre-existing mixed-use buildings to comply with the later adopted Ordinance, accept such facilities and make them part of our *daily* lives. As concerned citizens and tax payers, I look to you, our leaders in the community, for guidance and support.

Thank you for your attention!

COREY TOTH

Printed Name



Signature

11/14/2009

Date

Paseo Chapala Building
105 West De La Guerra Street
Santa Barbara, CA 93101

City of Santa Barbara
Mayor & Council members
Attn: Linda Gunther
735 Anacapa Street
Santa Barbara, CA 93102

November 14, 2009

Dear Mayor Blum & City Council members:

I the undersigned of this petition support a **ban** to prohibit Medical Cannabis Dispensaries from existing mixed-use buildings. I feel this is prohibited by both Federal and State Law, and is in violation my own building's CC&Rs. A medical marijuana dispensary recently received City approval for a business permit to operate within my mixed-use Paseo Chapala building at 741-781 Chapala Street, which my condo association has appealed. Since such facilities are prohibited from residential R-2 and R-O zones of the City, they should also be prohibited from mixed-use buildings as a type of business that is unsuited to my mostly residential building with over 30 residents. I also feel that the City, by its approval of such facilities, promotes illegal activities that will be a "nuisance" to owners of residential units in our building and as such, is specifically in violation of my building's CC&Rs. As a condominium owner in my mixed-use building, I signed *in good faith* to be bound by the CC&Rs prior to their purchase, similar to the commercial condominium owner who now intends to lease part of his space to the dispensary. It is simply unreasonable *to force* owners and residents of a pre-existing mixed-use buildings to comply with the later adopted Ordinance, accept such facilities and make them part of our *daily* lives. As concerned citizens and tax payers, I look to you, our leaders in the community, for guidance and support.

Thank you for your attention!

ROY NIXON
Printed Name

RB Nixon
Signature

11-15-09
Date

Paseo Chapala Building
105 West De La Guerra Street
Santa Barbara, CA 93101

Goo, Kathleen

Subject: FW: City Council Hearing November 17 - Medical Cannabis Dispensary Ordinance

----- Forwarded message -----

From: **Geoff Roland** <geoffroland@gmail.com>

Date: Thu, Nov 12, 2009 at 4:38 PM

Subject: City Council Hearing November 17 - Medical Cannabis Dispensary Ordinance

To: IFalcone@santabarbaraca.gov, DFrancisco@santabarbaraca.gov, RHorton@santabarbaraca.gov,
GHouse@santabarbaraca.gov, HSchneider@santabarbaraca.gov, DasWilliams@santabarbaraca.gov,
SWiley@santabarbaraca.gov, frankh110@cox.net, friendsofbendywhite@gmail.com

City of Santa Barbara
Mayor/City Council/City Attorney
735 Anacapa Street
Santa Barbara, CA 93101

November 12, 2009

Subject: City Council Hearing November 17 - Medical Cannabis Dispensary Ordinance

Dear Council Members et al,

There are many issues with the existing Medical Cannabis Dispensary ordinance that have been voiced in ordinance revision committee meetings since September 2009. It is my understanding that the issues that are currently under consideration are:

1. A citywide cap of seven dispensaries, one in each of seven geographic areas.
2. A reduced amortization period of six months.
3. A prohibition on dispensaries in existing, mixed-use building, where the residential units are condominiums.
4. More discretion for the Staff Hearing Officer.
5. A prohibition on dispensaries within 1000 feet of Casa Esperanza and similar recovery facilities.
6. A requirement that security be provided by a separate security company, licensed by the State.
7. A requirement for annual review of permitted dispensaries by the Police Department and the Staff Hearing Officer.
8. The intent of senate bill 420 and the concept of cooperatives vs storefront retail marijuana sales.

11/17/2009

I am in full support of the above proposed items and changes to the ordinance.

I am particularly in support of prohibiting dispensaries in mixed use commercial/residential condominium developments as that particular issue affects me, my family, and my neighbors very directly. Some have said that changes to the ordinance based on mixed use would address the situation in my building only - this is simply not the case. There are a number of other mixed use buildings in the city that face the same issues as we do now - two others on Chapala, one on W. De La Guerra, as well as others throughout the city if they are located outside of restricted areas.

The overarching intention of the ordinance is to restrict dispensaries from locating in areas where people live and children congregate, hence the restriction against residential zones and R-O residential office zones. What puzzles and concerns me is that those of us who have chosen to make our homes in mixed use developments are not currently availed of the same protections from dispensary placements as all other residents of the city. This makes no sense at all, is unfair, and places an undue burden upon us. As property owners rather than renters, we don't have the option of easily moving away if and when a dispensary becomes a nuisance. Unlike commercial businesses, whose owners and employees leave at the end of the work day, residents of mixed use buildings are faced with potential nuisance neighbors (as little as 16 inches away) 24 hours a day, 7 days a week. We don't get to go home after work and leave the nuisance behind; we have to live next to or directly on top of it.

- The current restriction on residential zones makes sense - don't locate dispensaries where people live.
- The current restriction for R-O residential office zones makes sense - don't locate dispensaries in "mixed use" residential office zones - adjacent to where people live.
- We are currently lacking a restriction for mixed use commercial/residential condominium buildings - don't locate dispensaries in mixed use buildings - adjacent to where people live, similar to the R-O restriction.

Let's be realistic and honest. Current California laws regarding medical marijuana were and are intended as a first step, or toe in the door, towards eventual legalization of marijuana. That is why I voted in favor of them years ago. However, the current dispensary situation throughout the state has gotten out of control. If Santa Barbara is to allow any dispensaries at all they should be strictly limited both in number and in location and they should be monitored very closely. Any person with a valid condition can go to their doctor today to get a prescription for federally legal marijuana in pill form, it's called Marinol. And, they are currently researching other delivery methods such as inhalers and patches. There is no medically valid reason for these retail marijuana stores in our community since California law allows people to grow their own "medicine", join non-retail cooperatives, or use Marinol.

I urge you to put in place an immediate moratorium on all new and pending dispensary applications until the Medical Marijuana Ordinance has been re-worked to address the very valid concerns of the community.

Thank you for your consideration on this matter.

Geoff Roland
105 W. De La Guerra, Unit N
Santa Barbara, CA 93101

To:

- Mayor: MBlum@SantaBarbaraCA.gov
- City Council: IFalcone@SantaBarbaraCA.gov, DFrancisco@SantaBarbaraCA.gov, RHorton@SantaBarbaraCA.gov, GHouse@SantaBarbaraCA.gov, HSchneider@SantaBarbaraCA.gov, DasWilliams@SantaBarbaraCA.gov
- City Attorney: SWiley@SantaBarbaraCA.gov
- Newly Elected Council: frankh110@cox.net, friendsofbendywhite@gmail.com

11/17/2009

Rodriguez, Cyndi

From: Pedersen, Lori
Sent: Monday, November 16, 2009 2:22 PM
To: Rodriguez, Cyndi
Subject: FW: PRO MED MJ IN SB! Registered Dem

FYI - For Ordinance Committee November 24th?

From: Douglas Dye [mailto:douglas.dye@gmail.com]
Sent: Monday, November 16, 2009 10:46 AM
To: Blum, Marty; Schneider, Helene; Williams, Das; Kato, Danny; Pedersen, Lori; House, Grant; Falcone, Iya; Francisco, Dale
Subject: PRO MED MJ IN SB! Registered Dem

Good Day - I'm a registered Democrat who lives within the Santa Barbara city limits. I'm also an advocate for the safe access to medical marijuana for those with a legally recognized recommendation and would urge you to FULLY SUPPORT our local dispensaries. These small businesses are serious and vital in providing an invaluable service to our community. Additionally, in these challenging economic times these businesses are thriving and are good neighbors here in Santa Barbara. Of the local dispensaries I've visited, I have never once seen loitering teens, guns or crime, vandalism, or any of the other alleged negatives that opponents of these businesses continuously claim. Again, thank you for your time and serious consideration of the future rules regarding dispensaries. Sincerely - Doug Dye, Santa Barbara, CA / 805.218.7139

11/19/2009

Rodriguez, Cyndi

From: Pedersen, Lori
Sent: Thursday, November 19, 2009 10:41 AM
To: Rodriguez, Cyndi
Subject: FW: From Don Duncan, Dir of ASA - FYI

For November 24ths Ord. Comm. meeting

-----Original Message-----

From: Kato, Danny
Sent: Thursday, November 19, 2009 10:18 AM
To: Armstrong, Jim; Pedersen, Lori; Tschech, Susan
Cc: Casey, Paul; Weiss, Bettie
Subject: FW: From Don Duncan, Dir of ASA - FYI

This was sent to Mayor and Council.

D

-----Original Message-----

From: JoAnna LaForce [mailto:jlaforce2000@yahoo.com]
Sent: Wednesday, November 18, 2009 5:50 PM
To: Williams, Das; Franciscó, Dale; Horton, Roger; House, Grant; Schneider, Helene; Wiley, Stephen
Cc: Kato, Danny; Tony Vasallo
Subject: Fw: From Don Duncan, Dir of ASA - FYI

Hello,
This information was sent to Mayor Blum yesterday from the Director of Americans for Safe Access and their attorneys.

Would appreciate it if you would read it at your convenience.

Respectfully,
JoAnna LaForce

--- On Tue, 11/17/09, Don Duncan <don@safeaccessnow.org> wrote:

> From: Don Duncan <don@safeaccessnow.org>
> Subject: Medical cannabis
> To: MBlum@SantaBarbaraCA.gov
> Date: Tuesday, November 17, 2009, 5:08 PM
>
>
> Medical cannabis
>
>
> Dear Mayor Blum,
>
>
>
> Tonight, you will receive a report advocating for banning medical
> cannabis collectives and cooperatives that provide medicine to

- > Qualified Patients in exchange for reimbursement. I urge you to reject
- > this option, and continue with the successful implementation of your
- > local regulations.
- >
- >
- >
- > Research by Americans for Safe Access (ASA) and our experience in
- > dozens of cities and counties that have already adopted ordinances
- > authorizing access to medical cannabis indicate that sensible
- > regulations reduce crime and complaints surrounding patients'
- > associations.
- > Patients who need access to medicine to treat the symptoms of
- > HIV/AIDS, cancer, Multiple Sclerosis, chronic pain, and other serious
- > conditions rely of medical cannabis dispensing collectives every day
- > in Santa Barbara. They are counting on you to maintain their safe
- > access.
- >
- >
- >
- > Medical cannabis patients' association that provide medicine in
- > exchange for reimbursements are legal.
- > California Health and Safety Code Section 11362.775 states that
- > qualified patients and their primary caregivers "who associate within
- > the State of California in order collectively or cooperatively to
- > cultivate marijuana for medical purposes, shall not solely on the
- > basis of that fact be subject to state criminal sanctions under
- > Section 11357 , 11358, 11359 , 11360 , 11366 , 11366.5, or 11570."
- > Thus, the possession (Section 11357), possession for sale (Section
- > 11359), and cultivation of cannabis (Section 11358) within the context
- > of a collective or cooperative medical cannabis association is lawful.
- > Furthermore, in guidelines published in August of 2008, California
- > Attorney General Jerry Brown clarified "that a properly organized and
- > operated collective or cooperative that dispenses medical marijuana
- > through a storefront may be lawful under California law," provided
- > they are in compliance with the provisions of the guidelines.
- >
- >
- >
- > The legal status of medical cannabis collectives and cooperatives, and
- > the storefronts they maintain to provide medicine to registered
- > members, has been upheld by the California courts, including People v.
- > Urziceanu
- > (2005) 132 Cal.App. 4th 747, People v. Hochandel
- > (2009) 98 Cal.Rptr.3d 347, and County of Butte v.
- > Superior Court (2009) 209 WL 1879719 Cal.App. 3rd.
- > Furthermore, the obligation of local government to uphold state
- > medical cannabis laws, regardless of federal law, has been established
- > in County of San Diego v. San Diego NORML (2008) 165 Cal.App.4t.
- >
- >
- >
- > Some of the analysis provided in you agenda package tonight is

> misleading. Lobbyists representing law enforcement interests and some
> medical cannabis opponents wrongly assert that the 2009 California
> Supreme Court decision in *People v. Mentch* (2008) 45 Cal.4th 274, 283,
> makes Medical Cannabis Dispensing Collectives and Cooperatives (MCDC)
> illegal. This is a clear misreading of the decision, and in some
> cases, the argument may be propagated to intentionally confuse the
> issue of legal access under California law.
> While it is true that the *Mentch* decision upholds a narrow definition
> of the term "Primary Caregiver" in Proposition 215, the ruling only
> concerns an individual's claim to be a Primary Caregiver under state
> law; it does not address the legality of patients' collectives and
> cooperatives. The *Lungren v. Peron* (1997) 59 Cal.App.4th 1383,
> decision already stated that MCDCs could not be caregivers. So,
> applying *Mentch* to MCDCs, including those that maintain storefront
> facilities in Santa Barbara, is misguided and not legally valid.

>
>
>
> Please let me know if I or my colleagues at ASA can be of assistance
> in this conversation. You can reach me at this email address or by
> calling (323) 326-6347.

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> Thank you,

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>
>
> Don Duncan

>
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>
> _____
>
> Don Duncan

> California Director

>
> Americans for Safe Access

>
> <http://www.americansforsafeaccess.org/>

>
>
>
> Americans for Safe Access (ASA) is the largest national member-based
> organization of patients, medical professionals, scientists and
> concerned citizens promoting safe and legal access to cannabis for
> therapeutic use and research.

>
> Are you an ASA member? <http://www.AmericansforSafeAccess.org/Join>

CITY OF SANTA BARBARA
FINANCE COMMITTEE
SPECIAL MEETING AGENDA

DATE: November 24, 2009

TIME: 1:00 p.m.

PLACE: David Gebhard Public Meeting Room
630 Garden Street

Roger L. Horton, Chair

Helene Schneider

Iya Falcone

James L. Armstrong

City Administrator

Robert Samario

Interim Finance Director

ITEM TO BE CONSIDERED:

Subject: October 2009 Investment Report

Recommendation: That the Finance Committee recommend that Council accept the October 2009 Investment Report.

(See Council Agenda Item No. 3)



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 24, 2009

TO: Mayor and Councilmembers

FROM: Airport Administration, Airport Department

SUBJECT: Airport Terminal Concession Design Contract With Howard, Needles, Tammen & Bergendoff California Architects, P.C.

RECOMMENDATION:

That Council authorize the Airport Director to negotiate and execute a contract, subject to approval of the form of the contract by the City Attorney, with Howard, Needles, Tammen & Bergendoff California Architects, P.C. (HNTB), a California Corporation, to develop a concession design manual for the new Airline Terminal, in an amount of \$53,462, and approve expenditures of up to \$5,000 for extra services of HNTB that may result from necessary changes in the scope of work.

DISCUSSION:

The airport Airline Terminal Improvement Program includes the construction of a new 72,000 square foot airline terminal building, rehabilitation of the 1942 portions of the existing terminal, reconfiguration of the short term parking lot, loop road and installation of associated landscaping. On March 24, 2009, Council awarded construction contracts for the project. While the final plans and specifications included location and utility provisions for food and beverage and gift shop space, the plans did not include specific design criteria for the non-airline space.

Under the contract to be negotiated, HNTB will prepare a Concessions Design Manual to guide concessionaires in the design and construction of concession facilities in the New Terminal. The Concessions Design Manual will include general requirements, a graphic description of concession areas, sizes, and locations, a description of the concession space, design approval process, aesthetic design guidelines, utility provisions, requirements for construction, sustainability objectives, and security requirements.

BUDGET/FINANCIAL INFORMATION:

This contract is funded under the Airline Terminal Improvement project in the Airport's Capital Fund.

PREPARED BY: Hazel Johns, Assistant Airport Director

SUBMITTED BY: Karen Ramsdell, Airport Director

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 24, 2009
TO: Mayor and Councilmembers
FROM: Treasury Division, Finance Department
SUBJECT: October 2009 Investment Report

RECOMMENDATION:

That Council accept the October 2009 Investment Report.

DISCUSSION:

The attached investment report includes Investment Activity, Interest Revenue, a Summary of Cash and Investments, and Investment Portfolio detail as of October 31, 2009.

ATTACHMENT: October 2009 Investment Report
PREPARED BY: Jill Taura, Treasury Manager
SUBMITTED BY: Robert Samario, Interim Finance Director
APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA
Activity and Interest Report
October 31, 2009

INVESTMENT ACTIVITY

PURCHASES OR DEPOSITS

10/14 Federal Farm Credit Bank (FFCB)	\$ 2,000,000
10/15 LAIF Deposit - City	2,000,000
10/16 LAIF Deposit - City	1,500,000
10/20 LAIF Deposit - City	2,000,000
10/27 LAIF Deposit - City	4,000,000
10/28 Federal Home Loan Mortgage Corp (FHLMC)	2,000,000
10/29 Federal National Mortgage Association (FNMA)	2,000,000
10/30 LAIF Deposit - RDA	3,000,000
Total	\$ 18,500,000

SALES, MATURITIES, CALLS OR WITHDRAWALS

10/8 LAIF Withdrawal/City	\$ (1,000,000)
10/14 LAIF Withdrawal/City	(1,500,000)
10/15 Federal Home Loan Mortgage Corp (FHLMC) Call	(2,000,000)
10/16 Federal Home Loan Bank (FHLB) Call	(2,000,000)
10/22 LAIF Withdrawal/City	(2,500,000)
10/26 Federal Home Loan Bank (FHLB) Maturity	(2,345,000)
10/28 LAIF Withdrawal/City	(2,500,000)
10/29 LAIF Withdrawal/City	(2,000,000)
Total	\$ (15,845,000)

ACTIVITY TOTAL

\$ 2,655,000

INTEREST REVENUE

POOLED INVESTMENTS

Interest Earned on Investments	\$ 357,537
Amortization	5,958
SBB&T Trust Account MM Interest	1
SBB&T Sweep Account Interest	74
Total	\$ 363,570

RDA INVESTMENTS

Interest Earned on Investments (LAIF)	\$ 11,637
---------------------------------------	------------------

TOTAL INTEREST EARNED

\$ 375,207

CITY OF SANTA BARBARA
Summary of Cash and Investments
October 31, 2009

ENDING BALANCE AS OF SEPTEMBER 30, 2009

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 41,600,000	0.750%	26.27%	1
Certificates of Deposit	2,000,000	2.500%	1.26%	48
Federal Agency Issues - Coupon	97,213,984	3.351%	61.38%	910
Corporate/Medium Term Notes	10,256,386	4.797%	6.48%	307
	151,070,369	2.722%	95.39%	607
SB Airport Promissory Note	7,300,000	7.000%	4.61%	7,212
Totals and Averages	\$ 158,370,369	2.919%	100.00%	912
SBB&T Money Market Account	2,786,971			
Total Cash and Investments	\$ 161,157,340			

NET CASH AND INVESTMENT ACTIVITY FOR OCTOBER 2009 **\$ 3,433,534**

ENDING BALANCE AS OF OCTOBER 31, 2009

Description	Book Value	Yield to Maturity (365 days)	Percent of Portfolio	Average Days to Maturity
State of California LAIF	\$ 44,600,000	0.650%	27.70%	1 (1)
Certificates of Deposit	2,000,000	2.500%	1.24%	17
Federal Agency Issues - Coupon	96,874,856	3.312%	60.16%	952
Corporate/Medium Term Notes	10,256,471	4.797%	6.37%	276
	153,731,327	2.628%	95.47%	618
SB Airport Promissory Note	7,300,000	7.000%	4.53%	7,181
Totals and Averages	\$ 161,031,327	2.826%	100.00%	917
SBB&T Money Market Account	3,559,547			
Total Cash and Investments	\$ 164,590,874			

Note:

(1) The average life of the LAIF portfolio as of October 31, 2009 is 253 days.

CITY OF SANTA BARBARA
Investment Portfolio
October 31, 2009

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY RATING MOODY'S	S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
LOCAL AGENCY INVESTMENT FUNDS											
LOCAL AGENCY INVESTMENT FUND	-	-	-	-	0.650	0.650	19,500,000.00	19,500,000.00	19,500,000.00	0.00	
LOCAL AGENCY INV FUND/RDA	-	-	-	-	0.650	0.650	25,100,000.00	25,100,000.00	25,100,000.00	0.00	
Subtotal, LAIF							44,600,000.00	44,600,000.00	44,600,000.00	0.00	
CERTIFICATES OF DEPOSIT											
MONTECITO BANK & TRUST	11/18/08	11/18/09	-	-	2.500	2.500	2,000,000.00	2,000,000.00	2,000,000.00	0.00	
Subtotal, Certificates of deposit							2,000,000.00	2,000,000.00	2,000,000.00	0.00	
FEDERAL AGENCY ISSUES - COUPON											
FEDERAL FARM CREDIT BANK	03/06/09	04/24/12	Aaa	AAA	2.250	2.120	2,000,000.00	2,006,222.50	2,041,250.00	35,027.50	
FEDERAL FARM CREDIT BANK	10/14/09	10/14/14	Aaa	AAA	2.875	2.875	2,000,000.00	2,000,000.00	1,993,440.00	(6,560.00)	Callable 10/14/10, then cont.
FEDERAL FARM CREDIT BANK	11/07/06	01/18/11	Aaa	AAA	5.750	5.000	2,000,000.00	2,016,190.11	2,125,000.00	108,809.89	
FEDERAL FARM CREDIT BANK	01/29/07	08/25/10	Aaa	AAA	4.750	5.111	2,000,000.00	1,994,654.96	2,070,940.00	76,285.04	
FEDERAL FARM CREDIT BANK	02/01/08	02/01/13	Aaa	AAA	3.790	3.790	2,000,000.00	2,000,000.00	2,016,880.00	16,880.00	Callable 2/01/10, then cont.
FEDERAL FARM CREDIT BANK	03/04/09	03/02/12	Aaa	AAA	2.370	2.370	2,000,000.00	2,000,000.00	2,011,570.00	11,570.00	Callable 3/02/10, then cont.
FEDERAL FARM CREDIT BANK	03/04/09	01/17/12	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,033,130.00	33,130.00	
FEDERAL FARM CREDIT BANK	03/05/09	03/04/13	Aaa	AAA	2.600	2.600	2,000,000.00	2,000,000.00	2,050,940.00	50,940.00	
FEDERAL FARM CREDIT BANK	05/08/09	04/08/13	Aaa	AAA	2.200	2.200	2,000,000.00	2,000,000.00	2,022,820.00	22,820.00	
FEDERAL FARM CREDIT BANK	06/19/09	06/18/12	Aaa	AAA	2.125	2.125	2,000,000.00	2,000,000.00	2,029,370.00	29,370.00	
FEDERAL FARM CREDIT BANK	09/30/09	10/03/11	Aaa	AAA	1.125	1.125	2,000,000.00	2,000,000.00	1,999,690.00	(310.00)	
FEDERAL HOME LOAN BANK	10/25/06	02/12/10	Aaa	AAA	3.875	5.117	1,000,000.00	996,826.20	1,010,000.00	13,173.80	
FEDERAL HOME LOAN BANK	12/18/06	11/03/09	Aaa	AAA	3.500	4.834	2,000,000.00	1,999,863.00	2,000,000.00	137.00	
FEDERAL HOME LOAN BANK	05/22/07	06/10/11	Aaa	AAA	5.250	5.005	2,000,000.00	2,007,029.01	2,137,500.00	130,470.99	
FEDERAL HOME LOAN BANK	07/09/07	02/15/11	Aaa	AAA	4.000	5.308	2,000,000.00	1,969,639.51	2,086,880.00	117,240.49	
FEDERAL HOME LOAN BANK	07/09/07	03/12/10	Aaa	AAA	5.000	5.268	1,000,000.00	999,084.50	1,017,190.00	18,105.50	
FEDERAL HOME LOAN BANK	02/26/09	02/24/14	Aaa	AAA	3.250	3.261	2,000,000.00	1,999,684.36	2,015,310.00	15,625.64	Callable 2/24/10, then qtrly
FEDERAL HOME LOAN BANK	03/04/09	06/08/12	Aaa	AAA	4.375	2.110	1,700,000.00	1,796,320.25	1,812,089.50	15,769.25	
FEDERAL HOME LOAN BANK	06/30/09	06/30/14	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,027,190.00	27,190.00	StrNt, Callable 6/30/11, once
FEDERAL HOME LOAN BANK	09/30/09	09/30/14	Aaa	AAA	2.000	3.448	2,000,000.00	2,000,000.00	2,001,570.00	1,570.00	StrNt, Callable 12/30/09, qtrly
FEDERAL HOME LOAN BANK	09/17/09	12/13/13	Aaa	AAA	3.125	2.440	2,000,000.00	2,053,225.99	2,072,810.00	19,584.01	
FEDERAL HOME LOAN BANK	09/14/06	09/29/10	Aaa	AAA	5.125	5.070	1,000,000.00	1,000,423.81	1,041,405.00	40,981.19	
FEDERAL HOME LOAN BANK	05/23/08	06/10/11	Aaa	AAA	3.125	3.520	2,000,000.00	1,987,997.76	2,067,190.00	79,192.24	
FEDERAL HOME LOAN BANK	11/08/06	07/30/10	Aaa	AAA	5.000	5.010	2,000,000.00	1,999,831.62	2,069,070.00	69,238.38	
FEDERAL HOME LOAN BANK	12/18/06	06/22/10	Aaa	AAA	4.500	4.825	2,000,000.00	1,996,202.39	2,053,440.00	57,237.61	
FEDERAL HOME LOAN BANK	06/18/07	03/12/10	Aaa	AAA	4.875	5.382	2,000,000.00	1,996,591.87	2,033,440.00	36,848.13	
FEDERAL HOME LOAN BANK	06/16/08	12/10/10	Aaa	AAA	3.250	3.800	2,000,000.00	1,988,431.68	2,059,380.00	70,948.32	

CITY OF SANTA BARBARA
Investment Portfolio
October 31, 2009

DESCRIPTION	PURCHASE DATE	MATURITY DATE	QUALITY MOODY'S	RATING S & P	STATED RATE	YIELD AT 365	FACE VALUE	BOOK VALUE	MARKET VALUE	BOOK GAIN/(LOSS)	COMMENTS
FEDERAL HOME LOAN BANK	09/17/09	09/13/13	Aaa	AAA	4.375	2.272	2,000,000.00	2,154,632.20	2,173,130.00	18,497.80	
FEDERAL HOME LOAN MTG CORP	04/08/09	04/08/13	Aaa	AAA	2.500	2.526	2,000,000.00	1,998,563.89	2,022,480.00	23,916.11	Callable 4/08/11, once
FEDERAL HOME LOAN MTG CORP	05/19/09	11/19/12	Aaa	AAA	2.170	2.170	2,000,000.00	2,000,000.00	2,020,560.00	20,560.00	Callable 5/19/11, once
FEDERAL HOME LOAN MTG CORP	09/03/09	09/21/12	Aaa	AAA	2.125	1.699	2,000,000.00	2,023,868.85	2,034,690.00	10,821.15	
FEDERAL HOME LOAN MTG CORP	05/13/09	05/13/13	Aaa	AAA	2.400	2.400	2,000,000.00	2,000,000.00	2,025,880.00	25,880.00	Callable 5/13/11, once
FEDERAL HOME LOAN MTG CORP	08/26/09	08/26/14	Aaa	AAA	3.625	3.625	2,000,000.00	2,000,000.00	2,011,340.00	11,340.00	Callable 2/26/10, then qtrly
FEDERAL HOME LOAN MTG CORP	05/29/07	07/06/10	Aaa	AAA	4.500	5.070	2,000,000.00	1,992,880.30	2,054,080.00	61,199.70	
FEDERAL HOME LOAN MTG CORP	07/30/09	01/30/13	Aaa	AAA	2.350	2.350	2,000,000.00	2,000,000.00	2,014,040.00	14,040.00	Callable 7/30/10, once
FEDERAL HOME LOAN MTG CORP	10/28/09	10/28/14	Aaa	AAA	3.000	3.000	2,000,000.00	2,000,000.00	1,995,220.00	(4,780.00)	Callable 10/28/10, then qtrly
FEDERAL HOME LOAN MTG CORP	06/09/09	08/17/12	Aaa	AAA	1.000	2.420	2,000,000.00	1,924,041.74	1,968,180.00	44,138.26	
FEDERAL HOME LOAN MTG CORP	01/29/07	01/25/10	Aaa	AAA	4.375	5.122	2,000,000.00	1,996,805.50	2,018,480.00	21,674.50	
FEDERAL HOME LOAN MTG CORP	05/22/07	09/17/10	Aaa	AAA	3.880	5.015	2,000,000.00	1,981,822.73	2,058,060.00	76,237.27	
FEDERAL HOME LOAN MTG CORP	04/29/09	10/29/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,024,760.00	24,760.00	Callable 10/29/10, once
FEDERAL NATL MORTGAGE ASSN	03/18/09	09/18/12	Aaa	AAA	2.500	2.500	2,000,000.00	2,000,000.00	2,038,130.00	38,130.00	Callable 3/18/11, once
FEDERAL NATL MORTGAGE ASSN	03/23/09	03/23/12	Aaa	AAA	2.000	2.000	2,000,000.00	2,000,000.00	2,018,440.00	18,440.00	StrNt, Callable 9/23/10, once
FEDERAL NATL MORTGAGE ASSN	05/04/09	05/04/12	Aaa	AAA	2.150	2.185	2,000,000.00	1,998,983.33	2,007,190.00	8,206.67	Callable 5/04/10, once
FEDERAL NATL MORTGAGE ASSN	09/09/09	09/09/14	Aaa	AAA	3.250	3.250	2,000,000.00	2,000,000.00	2,021,570.00	21,570.00	Callable 9/09/10, once
FEDERAL NATL MORTGAGE ASSN	04/27/06	04/20/10	Aaa	AAA	4.750	5.270	2,000,000.00	1,995,643.50	2,040,310.00	44,666.50	
FEDERAL NATL MORTGAGE ASSN	02/27/09	02/24/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,030,630.00	30,630.00	Callable 2/24/11, once
FEDERAL NATL MORTGAGE ASSN	05/20/09	11/20/12	Aaa	AAA	2.250	2.250	2,000,000.00	2,000,000.00	2,009,690.00	9,690.00	Callable 5/20/10, once
FEDERAL NATL MORTGAGE ASSN	08/20/09	08/20/14	Aaa	AAA	3.625	3.636	2,000,000.00	1,999,394.44	2,003,120.00	3,725.56	Callable 11/20/09, then qtrly
FEDERAL NATL MORTGAGE ASSN	10/29/09	10/29/14	Aaa	AAA	2.250	3.304	2,000,000.00	2,000,000.00	1,999,690.00	(310.00)	StrNt, Callable 4/29/10 cont.
FEDERAL NATL MORTGAGE ASSN	03/05/08	03/05/13	Aaa	AAA	4.100	4.100	2,000,000.00	2,000,000.00	2,025,940.00	25,940.00	Callable 3/05/10, once
Subtotal, Federal Agencies							96,700,000.00	96,874,856.00	98,515,104.50	1,640,248.50	
CORPORATE/MEDIUM TERM NOTES											
BERKSHIRE HATHAWAY FIN	01/15/08	01/15/10	Aa2	AAA	4.125	3.630	2,250,000.00	2,252,187.62	2,266,965.00	14,777.38	
GENERAL ELECTRIC CAPITAL CORP	01/10/07	02/22/11	Aa2	AA+	6.125	5.100	2,000,000.00	2,023,874.17	2,116,780.00	92,905.83	
TOYOTA MOTOR CREDIT	10/19/06	03/15/10	Aa1	AA	4.250	5.140	2,000,000.00	1,993,982.02	2,020,740.00	26,757.98	
WELLS FARGO & CO.	05/30/07	01/12/11	A1	AA-	4.875	5.260	2,000,000.00	1,991,664.69	2,077,280.00	85,615.31	
WELLS FARGO & CO.	10/10/06	08/09/10	A1	AA-	4.625	5.000	2,000,000.00	1,994,762.30	2,060,580.00	65,817.70	
Subtotal, Corporate Securities							10,250,000.00	10,256,470.80	10,542,345.00	285,874.20	
SB AIRPORT PROMISSORY NOTE (LT)											
SANTA BARBARA AIRPORT	07/14/09	06/30/29			7.000	7.000	7,300,000.00	7,300,000.00	7,300,000.00	0.00	
Subtotal, SBA Note							7,300,000.00	7,300,000.00	7,300,000.00	0.00	
TOTALS							160,850,000.00	161,031,326.80	162,957,449.50	1,926,122.70	

Market values have been obtained from the City's safekeeping agent, Santa Barbara Bank and Trust (SBB&T). SBB&T uses Interactive Data Pricing Service, Bloomberg and DTC.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 24, 2009

TO: Mayor and Councilmembers

FROM: Public Works, Engineering Division

SUBJECT: Introduction Of Ordinance For Amendment To Vic Trace Reservoir Communications Site Lease

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving Amendment No. 1 to the Lease Agreement No. 17,461 Between the City of Santa Barbara and Santa Barbara Cellular Systems, Ltd., Located on a Portion of the Vic Trace Reservoir Property (Assessor's Parcel No. 035-033-013), to Allow Lessee the Right to Sublease Upon Written Consent from the City of Santa Barbara, and Authorizing the Public Works Director to Execute the Required Lease Amendment; and
- B. Increase appropriations and estimated revenues by \$65,000 in the Intra-City Services Fund for the costs associated with the removal of an underground storage tank and placement of an above-the-ground storage tank funded from a one-time fee from Santa Barbara Cellular Systems in consideration of the amendment of the lease agreement.

DISCUSSION:

In 1994, Agreement No. 17,461 (Lease), as approved by Ordinance No. 4876, established the existing communications site on the City's property commonly known as the Vic Trace Reservoir on La Vigia Hill at 740 Delores Drive bordered by Delores Drive and La Coronilla Drive, and exclusive lease with Santa Barbara Cellular Systems, Ltd. (currently known as AT&T and hereinafter referred to as Lessee), and the City of Santa Barbara, effective July 1, 1994. The initial term of the Lease was for five years, with the right given to the Lessee to renew the Lease for five additional five-year periods.

As provided by applicable permits, the leased premises include an antenna structure area occupied by an approximately 45-foot tall lattice tower with antennas, coaxial cables and microwave dishes. The premises also include an area occupied by a pre-fabricated rock aggregate building that houses electronic radio equipment, and additional ground space improved with an enclosure containing electrical conduit that connects the radio equipment in the shelter to the antennas on the structure.

In November 2008, the Lessee exercised its most recent right to renew the Lease for an additional five-year period, effective May 2009, extending the Lease until April 2014, by notifying the City in writing. The Lessee also has the right to two additional lease extension options, potentially extending the Lease until 2024, assuming no termination rights are enforced.

In March 2008, the Lessee submitted an application to seek the City's preparation and approval of an amendment to the Lease proposed. This would grant the Lessee the right to sublease a portion of the leased premises to other communications service providers desiring to co-locate at the site. The existing exclusive Lease does not allow for this without approval by the City with an amendment to the Lease.

As a result of negotiations with the City, the Lessee is agreeing to a one-time fee of \$65,000, payable after the City's acceptance of the Lease Amendment, as consideration to the City for the grant of right to sublease, and prior to the subleasing rights becoming effective. The fee will be used by the Facilities Division of the Public Works Department to pay for the costs associated with the removal of an existing underground fuel storage tank (UST), and replacement with an above ground storage tank (AST). There are no known defects to the UST at present. It is being replaced per City policy established in 2006 directing that certain USTs be removed completely or replaced with ASTs. The Facilities Maintenance Division will be overseeing this work, and handling all environmental compliance associated with the replacement work.

The \$65,000 fee was derived from the original cost bid given to the City in 2007. The fee is appropriate to recover the full cost of the work performed. Without this fee the City would be paying directly out of budget for this work.

AT&T has no direct liability for the UST. The UST was installed by the City on City property long before the AT&T communications site was constructed in order to supply fuel for the back up power supply to the existing communications site serving several users including police, fire, and the Amateur Radio Emergency Services since the mid 1950s. The AT&T communications tower and equipment site (formerly known as Santa Barbara Cellular) was established in 1994.

The Lessee's right to sublease and allow joint use of its facilities is anticipated primarily for its antenna tower, as the lease premises on the ground are fully occupied by their existing equipment shelter and conduit chase. Also, the tower is structurally limited as to the capacity of equipment it can accommodate. Provided applicable permits are obtained by potential joint users, two sub-lessees may potentially be added; however, this is dependent on the size and type of antenna equipment to be placed on the tower.

The estimated value of a sublease is dependent on the user and type of antennas and equipment necessary. A complete communications site lease including a tower and equipment shelter requiring approximately 400 to 600 square feet would currently lease for \$1500 per month. Since the sub-lessees anticipated at this location will only be utilizing the tower space for antennas, the rent would be roughly half of a complete site

lease (\$750/month). For purposes of comparison assuming the City could negotiate a 50% revenue share with the Lessee, an estimate of \$750 per month received by the City for potentially two sub-lessees would represent 7.2 years of rent being paid upfront by the \$65,000 fee, also eliminating the associated administrative, handling, and accounting costs.

Additionally, the City will not be limited to the one time non-refundable advance payment of \$65,000 for the grant of subleasing rights. Due to the lack of unoccupied space within the area leased by the Lessee, any potential sub-lessees proposing to mount additional antennas on the tower will need to obtain permits and negotiate leases with the City for additional ground space for their ancillary radio equipment and any required shelters. This may provide potential ongoing future revenue to the City. Depending upon the size of any new equipment and shelters that may be necessary, a range of \$500 to \$1,500 per month is estimated as potential lease rates for new users of unoccupied City land, as available. Based on the above estimate of two new sub-lessees being added to the site, this would represent an additional \$1,000 to \$3,000 per month in leasing fees to the City.

The current demand for new service providers to utilize the existing communications site is relatively weak, and has been for sometime. Most of the major service providers have established networks, and are looking for "infill" sites located at lower elevations and within specific residential and commercial areas of the City rather than on higher elevation locations such as Vic Trace.

Given the City's interest in minimizing new communication site facility structures, AT&T's interest in subleasing space on its existing tower and the financial benefits to the City, staff recommends Council adopt the proposed ordinance to allow for subleasing by the existing Lessee.

BUDGETARY/FINANCIAL INFORMATION:

The \$65,000 to be paid to the City in consideration for allowing the Lessee to sublease its facilities will be used to fund the cost of removing the UST and placement of an AST. Staff is recommending that these revenues be appropriated to the Intra-City Services Fund where the costs will be incurred.

ATTACHMENT(S): 1. Vicinity Map of communications site
2. Existing Lease Premises Exhibit

PREPARED BY: Pat Kelly, Assistant Public Works Director/City Engineer/DT/mj

SUBMITTED BY: Christine F. Andersen, Public Works Director

APPROVED BY: City Administrator's Office

Vic Trace Reservoir communications site; 740 Delores Dr



PUEBLO LANDS

35-03

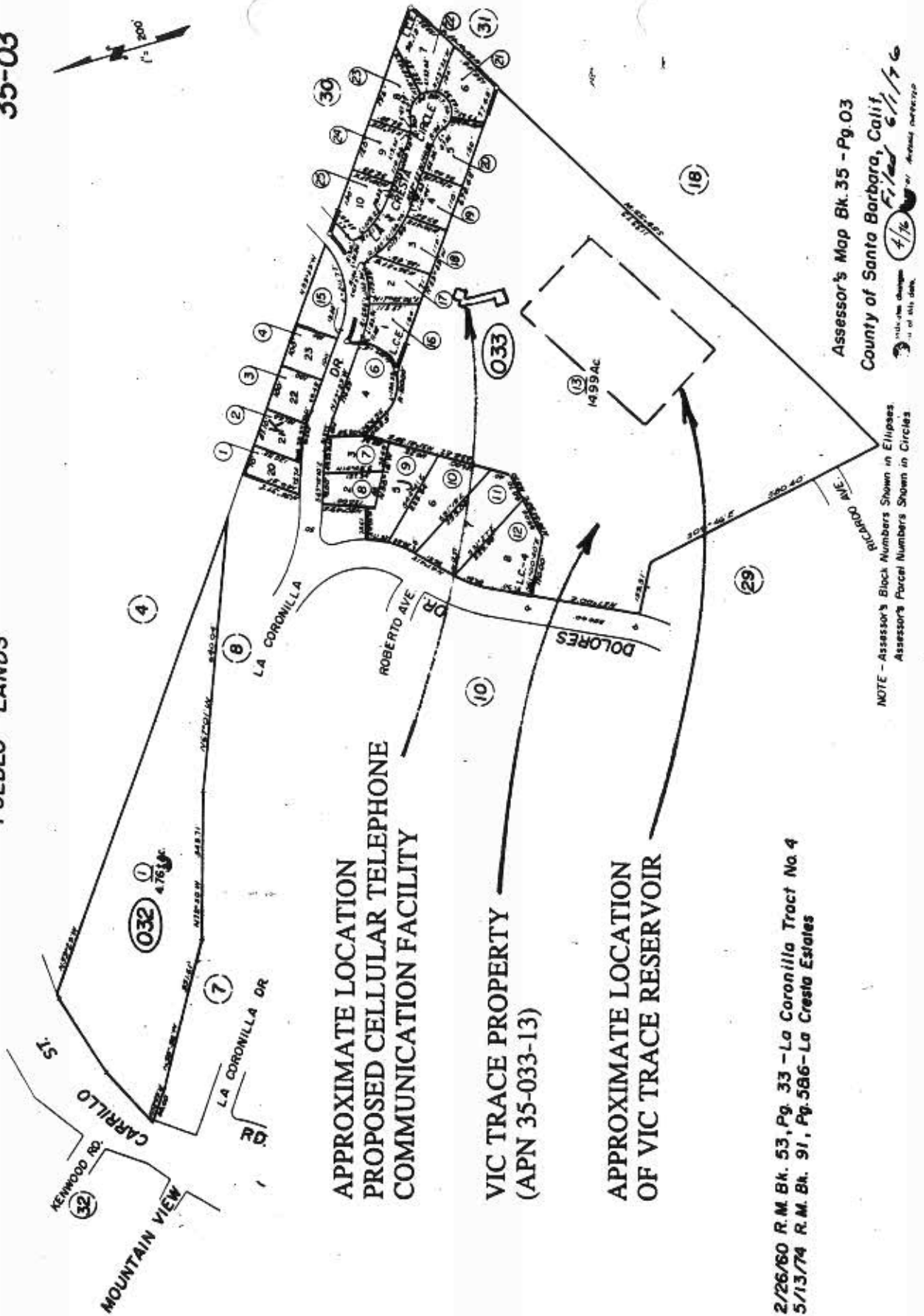


EXHIBIT 1

P.O.C.
LEASE AREA

LOT 1

S53°21'00"E 193.75'

LEASE AREA DETAIL

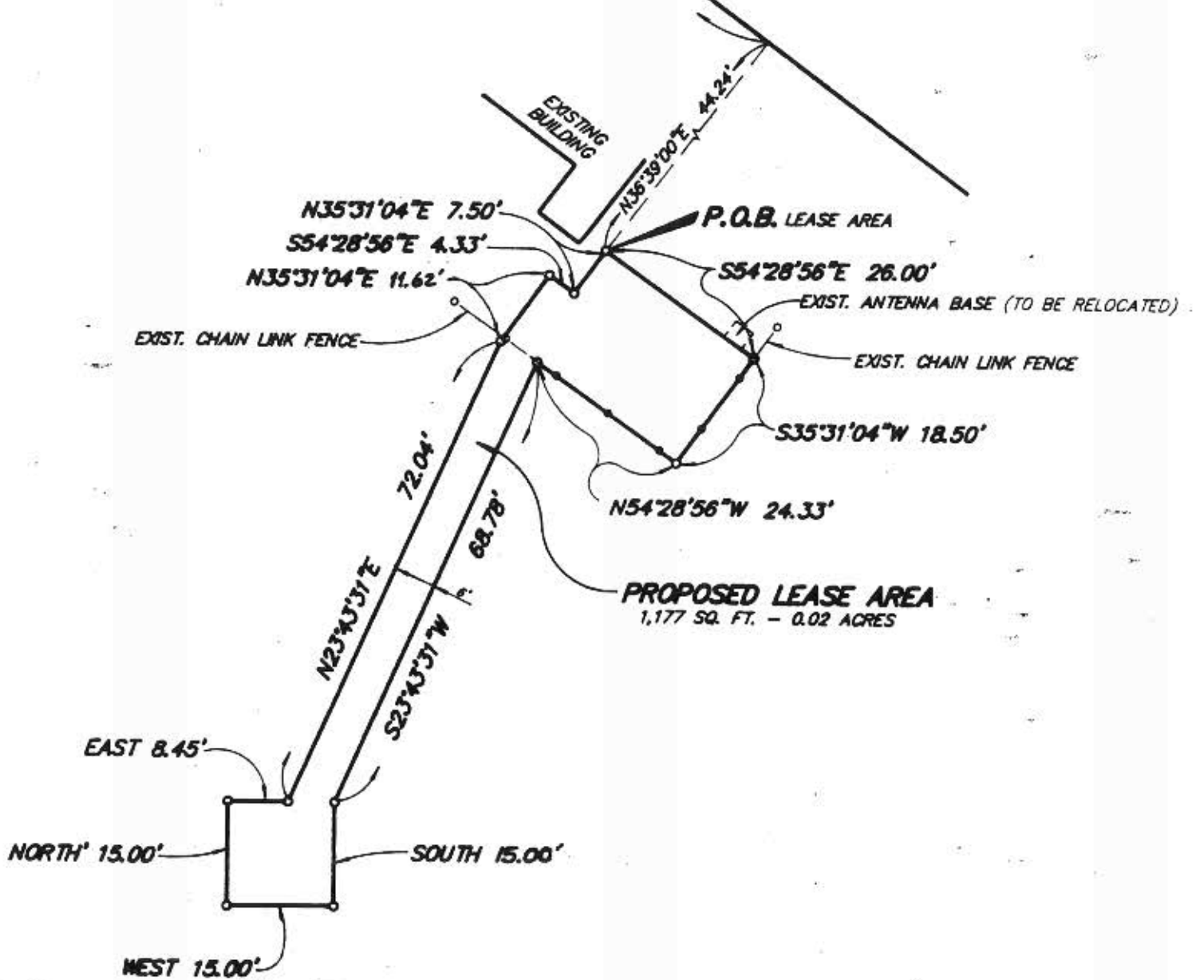


EXHIBIT 2

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AMENDMENT NO. 1 TO THE LEASE AGREEMENT NO. 17,461 BETWEEN THE CITY OF SANTA BARBARA AND SANTA BARBARA CELLULAR SYSTEMS, LTD., LOCATED ON A PORTION OF THE VIC TRACE RESERVOIR PROPERTY (ASSESSOR'S PARCEL NO. 035-033-013), TO ALLOW LESSEE THE RIGHT TO SUBLEASE UPON WRITTEN CONSENT FROM THE CITY OF SANTA BARBARA, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE THE REQUIRED LEASE AMENDMENT

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. In accordance with the provisions of Section 521 of the Charter of the City of Santa Barbara, this Amendment No. 1 to the Lease Agreement No.17,461 between the City of Santa Barbara and Santa Barbara Cellular Systems, Ltd., located on a portion of the Vic Trace Reservoir property (APN 035-033-013), to allow Lessee the right to sublease upon written consent from the City of Santa Barbara, and authorizing the Public Works Director to execute the required lease amendment, is hereby approved.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 24, 2009

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Cancellation Of Certain Council Meetings

RECOMMENDATION:

That Council cancel the regular Council meetings on the following dates: December 22, 2009; January 19, February 16, April 6, June 1, July 6, August 31, September 7, November 30, and December 28, 2010; and January 4, 2011.

DISCUSSION:

Each year we review the calendar for the regular City Council Meeting dates. On November 18, 2008, Council canceled the Council meetings on December 1st and 29th of 2009 as well as January 5, 2010.

The Council meeting schedule has been established based on cancelling the Council meetings on the Tuesdays following a holiday and providing for a two-week summer break.

We are now proposing the cancellation of meetings for the next year as well as the meeting on December 22nd due to the employee furlough.

In summary, the following meetings are cancelled:

- Tuesday, December 1, 2009 (Tuesday after Thanksgiving Holiday);
- Tuesday, December 22, 2009 (Furlough of City employees from Monday, December 21 through Thursday, December 31);
- Tuesday, December 29, 2009 (Tuesday after Christmas Holiday);
- Tuesday, January 5, 2010 (Tuesday after New Year's Day Holiday);
- Tuesday, January 19, 2010 (Day after Martin Luther King, Jr., Holiday);
- Tuesday, February 16, 2010 (Day after Presidents Day Holiday);
- Tuesday, April 6, 2010 (Tuesday after Cesar Chavez Day Holiday);
- Tuesday, June 1, 2010 (Day after Memorial Day Holiday);
- Tuesday, July 6, 2010 (Tuesday after 4th of July Holiday);

- Tuesday, August 31, 2010 (Two Week Break for Summer Holiday);
- Tuesday, September 7, 2010 (Day after Labor Day Holiday);
- Tuesday, November 30, 2010 (Tuesday after Thanksgiving Holiday);
- Tuesday, December 28, 2010 (Tuesday after Christmas Day Holiday); and
- Tuesday, January 4, 2011 (Tuesday after New Year's Day Holiday).

PREPARED BY: Linda Gunther, Administrator's Office Supervisor

SUBMITTED BY: Joan Kent, Assistant City Administrator

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 24, 2009

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Amendment of the Police Officers Association Labor Agreement

RECOMMENDATION:

That Council ratify an amendment to the Memorandum of Understanding between the City and the Santa Barbara Police Officers Association (Ordinance No. 5409) by introduction and subsequent adoption of, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the July 1, 2006, Memorandum of Understanding Between the City of Santa Barbara and the Santa Barbara Police Officers Association Extending the Agreement Until June 30, 2010, and Suspending Cash-out Provisions.

DISCUSSION:

The existing Memorandum of Understanding (MOU) between the City and the Santa Barbara Police Officers Association (POA) is for the term beginning July 1, 2006 and ending December 31, 2009. The 3.5 year agreement provided for salary and benefit increases equivalent to 26.5% for sworn employees and 16.4% for non-sworn employees.

Facing significant budget shortfalls for Fiscal Year 2009-2010 (FY10), management exercised its right under the MOU to eliminate monthly cash-out of holiday time, saving \$174,921 to the General Fund.

In June 2009, the POA made an additional offer to the City to extend the current labor agreement by 6 months (until June 30, 2010) with no compensation increases and to suspend the annual vacation, holiday and compensatory time cash-out provision. This would save the City approximately another \$83,972 and relieve both parties from the need to meet and confer on changes to wages, hours and other terms and conditions of employment for the remainder of this fiscal year. After Council was able to adjust the FY10 budget to account for a revenue shortfall without the need for additional labor concessions, it authorized negotiators to accept the POA's offer.

Today's recommended action by Council will formally amend the MOU. The City and the POA will return to bargaining in the Spring of 2010 to negotiate a successor labor agreement.

BUDGET/FINANCIAL INFORMATION:

This action is expected to save the City approximately an unbudgeted \$83,972 expense for Fiscal Year 2009-2010.

PREPARED BY: Kristine Schmidt, Employee Relations Manager

SUBMITTED BY: Joan Kent, Assistant City Administrator

APPROVED BY: City Administrator's Office

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING THE JULY 1, 2006,
MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF SANTA BARBARA AND THE SANTA BARBARA
POLICE OFFICERS ASSOCIATION EXTENDING THE
AGREEMENT UNTIL JUNE 30, 2010, AND SUSPENDING
CASH-OUT PROVISIONS

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. The Memorandum of Understanding between the City of Santa Barbara and the Santa Barbara Police Officers Association entered into as of July 1, 2006 and adopted as Ordinance No. 5409 (the "Agreement") is hereby amended as follows:

1. The term of the Agreement outlined in Article 44(a) is extended through June 30, 2010; and
2. The annual vacation, holiday, and/or CTO cash-out provision outlined in Article 51(E) of the Agreement is suspended through the remaining term of the Agreement and no cash-out will be offered under this Article for January 2010; and
3. All other existing provisions of the July 1, 2006, Memorandum of Understanding will remain in full force and effect through the amended term of the agreement.



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: November 24, 2009

TO: Mayor and Councilmembers
Chair and Boardmembers

FROM: Housing and Redevelopment Division, Community Development
Department

SUBJECT: Plaza De La Guerra Infrastructure Concept Design Review And
Professional Services Agreement For Preliminary Design Services

RECOMMENDATION:

- A. That Council review the conceptual design for Plaza de la Guerra Infrastructure Improvements and declare it a project for purposes of environmental review;
- B. That the Agency Board authorize the Deputy Director to execute a Professional Design Services Agreement, subject to approval by Agency Counsel, with Campbell and Campbell in an amount not to exceed \$89,000, for preliminary design services for Plaza de la Guerra Infrastructure, and authorize the Deputy Director to approve expenditures of up to \$17,800 to cover any cost increases that may result from necessary changes in the scope of work; and
- C. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving and Adopting the Findings Required by Health and Safety Code Section 33445 for the Funding of Capital Improvements to Plaza de la Guerra.

BACKGROUND:

In 2004, Council directed Redevelopment Agency staff to pursue conceptual design of infrastructure improvements for Plaza de la Guerra consistent with a list of specific elements (Attachment 1 - Council Direction). The firm of Campbell & Campbell was contracted to develop a design and in November 2006, staff returned to Council with concept illustrations to request clarification on the priority of certain elements. Council reconsidered the design parameters and directed staff to return with a more comprehensive concept.

In late 2007, a broader concept design (see Attachment 2) involving significant parking reduction, changes to De la Guerra Street and to the parking orientation between State and Santa Barbara Streets was presented to the following groups:

- Downtown Organization
- Downtown Parking Committee

- Historic Landmarks Commission
- Parks and Recreation Commission
- Transportation and Circulation Committee
- General Public (Library Main Branch)
- Planning Commission

Overall reaction reflected very strong concern about the loss of parking, street circulation changes and potential cost. The possibility of an increase in the number of Plaza events and effect on surrounding businesses was raised as an operational issue.

Staff met with the Council Subcommittee and was asked to develop a concept more limited in scope that would be responsive to the original direction and would address concerns raised during the public process. The concept brought forth now is reduced in scope and addresses many of the concerns raised during the public process (see Attachment 3 – Concept, November 2009). Staff's opinion is that the concept proposal (i) meets the Council's desire to improve the Plaza while maintaining its character, (ii) addresses Council's charge for "safe interaction between pedestrians and automobiles" and (iii) addresses concerns expressed by the local business community through the Downtown Organization.

DISCUSSION

The concept proposal is a starting point to begin the environmental review process. Attachment 4 - Concept Elements, summarizes the features of the proposed concept. A few of the more notable elements are identified here:

Number of Parking Spaces – The concept proposes a total reduction of five (5) parking spaces within the U-road. Three spaces would be removed at the interplay between Storke Placita and the Plaza lawn. Two spaces would be removed from the pinch point at the U-road exit.

Parking Space Designations – Proposed changes to parking include converting the 75-minute parking along the U-road exit to 15-minute parking which would allow the recapture of the three spaces removed by Storke Placita.

U-road Grade – The street level is proposed to be raised to be flush with the Plaza lawn. De la Guerra Street would remain at the existing grade. The nature of the transition between the two grades is to be determined. Separation between vehicle and pedestrian areas could be accomplished through the placement of removable bollards.

Electrical Service Panel – The panel is proposed for relocation from the Plaza lawn to the southwest corner of the City Hall building.

The business community has expressed strong concern about potential changes to the Plaza that might lead to new events with more frequent closure of the Plaza. To address this concern, staff collaborated with the Downtown Organization (DO) to develop this latest concept iteration which they support (see Attachment 5 – Downtown Organization letter). Consideration of changes to the policies regulating events in the Plaza is outside of this concept proposal and would be a community-wide dialogue.

Construction duration and issues related to safety and business operations would be explored during the environmental review process.

ENVIRONMENTAL REVIEW

It is being requested that Council declare the concept design (outlined below) a project for purpose of initiating review under the California Environmental Quality Act (CEQA):

“Plaza de la Guerra infrastructure improvements may include the following elements: (i) removal of five (5) parking spaces from the U-shaped access road, (ii) reallocation of parking designations, (iii) decorative sidewalks and pathways, (iv) replacement and realignment of the roadway surface, (v) use of bollards between vehicle and pedestrian areas, (vi) replacement and upgrade of underground utilities including electrical, water, gas and sewer lines, (vii) relocation of the electrical main panel from the lawn to a location adjacent to the City Hall building, (viii) landscaping improvements with a reduction in the area of lawn turf, and (ix) improvements to pedestrian amenities including lighting, new trash/recycling receptacles and newspaper racks.”

If the proposed project description is acceptable to Council, and Council desires to move forward with the concept, the project would undergo the environmental review process for analysis. Design development would continue through public meetings of the Historic Landmarks Commission with a focus on Council's overall goals and a balance of community interests. Contracts for related environmental review studies may require Council approval.

DESIGN CONSULTANT

Working with staff for the past three years, Campbell and Campbell has supplied several iterations of the concept plan and is very familiar with Plaza related issues and interests. Campbell and Campbell has provided a proposal at a cost of \$89,000 for preliminary design services and staff believes this is a reasonable proposal.

BUDGET/FINANCIAL INFORMATION:

The Plaza de la Guerra Infrastructure Improvements project was initially funded with \$1 million in 2005 with the understanding that additional funding would be needed. In December 2008, through the Agency's Fiscal Year 2009 Capital Program, the Board appropriated an additional \$1.4 million to the project account for a total appropriation of \$2.4 million. Most recent estimates for the construction and materials portion of the project are approximately \$1.5 million with a total project cost including design, environmental review and construction management estimated at \$2.2 million. Total funding currently available to the project is \$2.2 million in the Agency's 2003A Tax Allocation Bond Fund.

HEALTH AND SAFETY CODE SECTION 33445

Health and Safety Code section 33445 provides that a redevelopment agency may pay for the installation and construction of public improvements on public property if the legislative body consents to the use of funds and makes certain findings. The Plaza de la Guerra Infrastructure Improvement Project meets all of the required findings in Section 33445 because the proposed improvements are consistent with the Implementation Plan adopted pursuant to Health and Safety Code 33490 and are of

benefit to the Central City Redevelopment Project Area, as the project will enhance the existing public plaza and encourage pedestrian activity by locals and tourists in the immediate area. No other reasonable means of financing the improvements are available. In addition, the improvements to the roadway and sidewalk will help to eliminate blighting conditions by encouraging pedestrian activity in and around the area. An increase in these activities improves the vitality of the project area by encouraging economic activity by locals and visitors, which leads to additional public and private improvements, and thereby eliminates blight and the conditions that lead to blight.

SUSTAINABILITY IMPACT:

The project will have its greatest impact on the environment at the point it begins construction. Recognizing the possible impacts, Agency sponsored capital projects incorporate environmentally responsible design and construction techniques including, but not limited to, the specification of recycled content building materials, construction debris recycling processes, and the use of drought tolerant landscaping. These techniques further the City's sustainability goals in a variety of ways specific to the individual project and include reducing waste, recycling, and reducing resource consumption.

- ATTACHMENTS:**
1. Council Direction, October 26, 2004
 2. Comprehensive Concept Design, 2007-2008
 3. Proposed Concept, November 2009
 4. Concept Elements
 5. Downtown Organization letter, October 14, 2009

PREPARED BY: Brian Bosse, Housing and Redevelopment Manager/MEA

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

COUNCIL DIRECTION ON PLAZA DE LA GUERRA

October 26, 2004

Staff directed to proceed with the ***conceptual design of infrastructure improvements*** for the Plaza & Placita with the following project components:

- Replace sidewalks, install new ramps, and provide designated parking spaces to meet ADA standards;
- Relocate the electrical service structure off-site;
- Upgrade electrical power capacity to serve the needs of the Plaza for special events (e.g. Fiesta, concerts, etc.)
- Improve the landscaping with a consistent design for Storke Placita, City Hall and the Parking Lot; eliminate agapanthus near de la Guerra Street;
- Replace/upgrade the park benches, trash/recycling receptacles, bike racks, lighting, news-racks, etc.;
- Provide an enclosure for trash and recycling bins, with capacity to serve properties and adjacent businesses;
- Design the roadway and interior lawn to function in a safe manner for both vehicles & pedestrians during large events;
- If necessary & feasible, improve storm water drainage;
- Improve signage (vehicle and pedestrian) in and around the Plaza and Storke Placita; and
- Improve the connection of the Plaza to Casa de la Guerra with raised crosswalks or distinctive materials.



Plaza de la Guerra – Comprehensive Concept 2007

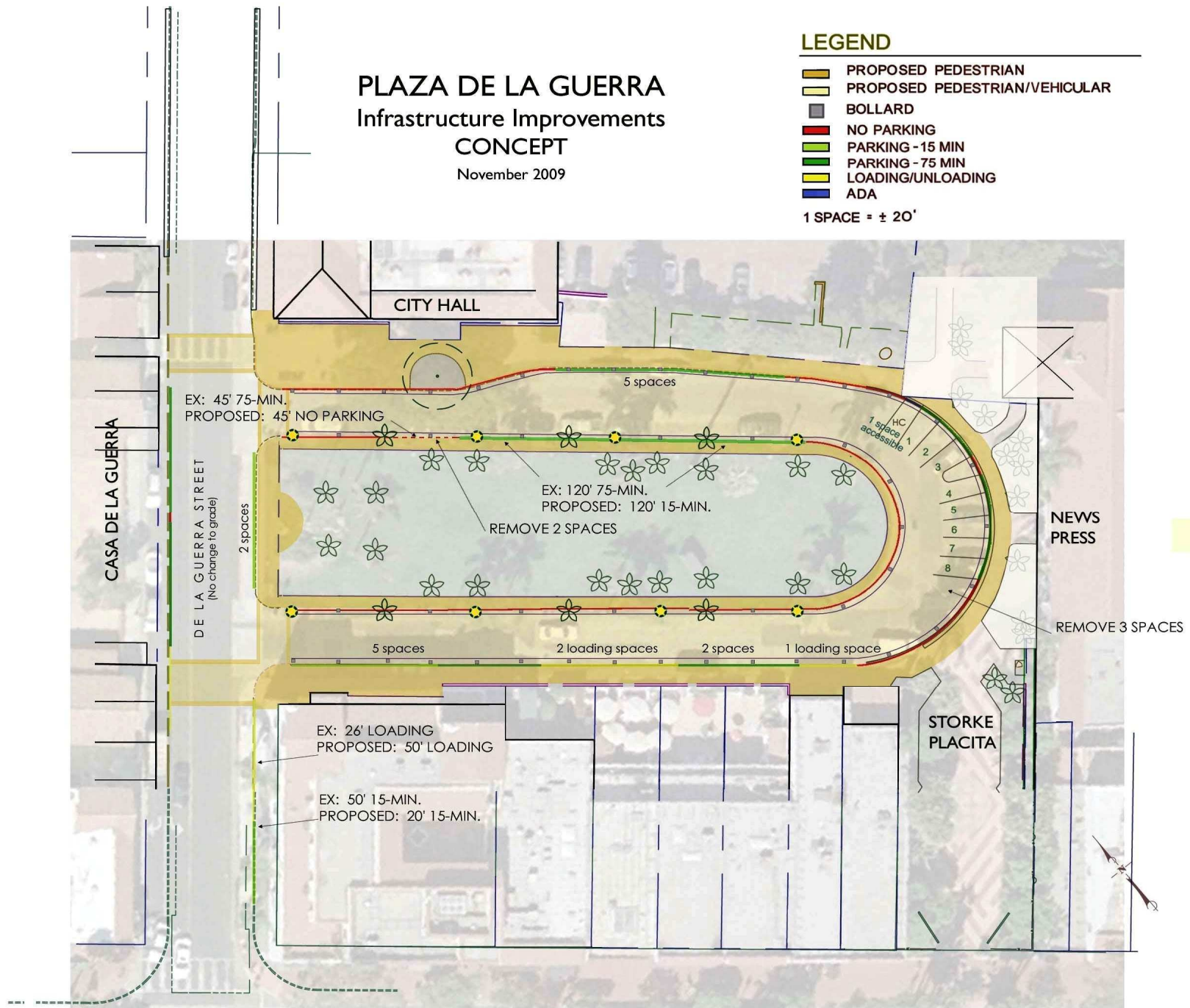
PLAZA DE LA GUERRA Infrastructure Improvements CONCEPT

November 2009

LEGEND

- PROPOSED PEDESTRIAN
- PROPOSED PEDESTRIAN/VEHICULAR
- BOLLARD
- NO PARKING
- PARKING - 15 MIN
- PARKING - 75 MIN
- LOADING/UNLOADING
- ADA

1 SPACE = ± 20'



Plaza de la Guerra Infrastructure Improvements – Concept Elements November 2009

- **Parking**
 - Net loss of five (5) spaces in the U-road
 - Two 75-minute spaces at exit by the California Pepper tree
 - Three 15-minute spaces at the Storke Placita & U-road interface
 - Convert 75-minute parking along the interior lawn to 15-minute parking (approximately six spaces)
 - Convert loading zone between U-road entry and exit to 15-minute parking
 - Lengthen existing 26-foot loading zone west of U-road entry to 50-feet
 - Reduce existing 50-foot 15-minute parking zone west of U-road to 20-feet.
- **U-road Grade**
 - Proposed to be raised to a level flush with the Plaza lawn.
- **Circulation on De la Guerra Street**
 - No changes proposed
- **De la Guerra Street Grade**
 - To remain unchanged. The extent of the grade transition between the street and the higher U-road to be determined.
- **Bollards**
 - Propose bollards along the interior and exterior of the U-road to separate pedestrian area from vehicle area.
- **Crosswalks**
 - Propose one pair of decorative crosswalks across De la Guerra Street and two other crosswalks at entry and exit of U-road.
- **Sidewalks**
 - Propose widening the existing sidewalk area by 3-1/2 feet (bollard separation). To maintain the roadway width, a commensurate amount of lawn area would be removed.
 - Propose a 5-foot wide hardscape path around the perimeter of the lawn to accommodate ADA
- **Landscape**
 - Removal of agapanthus on lawn adjacent De la Guerra Street
 - Minor reduction in turf to accommodate sidewalks (noted above)
 - Minor reduction in turf to accommodate ADA path on lawn (noted above)
 - Decrease in turf: 18% (17,500 square feet to 14,300 square feet)
 - Remove & replace two existing trees
 - Add three new trees
 - Minor, on-site relocation of several trees (to be determined)

(cont.)

Plaza de la Guerra Infrastructure Improvements – Concept Elements November 2009

- Utilities
Upgrade of gas, water, electrical and sewer lines. Relocation of tented, electrical panel on lawn to southwest corner of City Hall adjacent to bicycle parking.
- Trash / Recycling/ Compost Enclosure
Withdrawn from the concept. Minor operational changes diminished the priority of this element.
- Lighting
Changes if any, to be determined.
- Pedestrian Amenities
Benches, trash/recycling containers, bicycle parking, newspaper racks: to be determined.



**SANTA BARBARA
DOWNTOWN
ORGANIZATION**

ATTACHMENT 5

COPY

October 14, 2009

Jim Armstrong
City of Santa Barbara Administrator
Post Office Box 1990
Santa Barbara, CA 93102-1990

RE: PLAZA DE LA GUERRA RENOVATIONS

Dear Mr. Armstrong:

Since the beginning of the year, the DO has met several times with representatives from the RDA to address proposed renovations of Plaza De la Guerra. The DO Board of Directors endorses the current Plaza de la Guerra General Plan and is supportive of the promise it holds to improve and enhance the plaza.

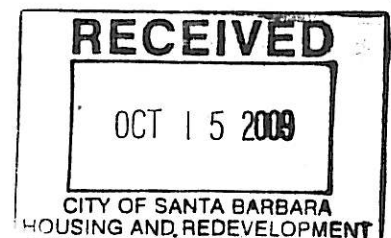
The DO is very concerned however, about the potential for an increase in the number of events that would negatively impact surrounding business and would therefore request an addendum to the current City Hall Policy of Public Events at De La Guerra Plaza. Because it lies in the commercial and economic heart of downtown and considering the negative impacts on circulation, parking and noise that these events can create, the DO would like to be on record as opposed to the closure of De la Guerra Street for any *new* events. Further, we would request that the loop road be closed minimally and that cautionary guidelines be developed that include limiting the number of loop closures to no more than 12 days per year maximum. We believe removal of parking and limiting the use of the loop road (even temporarily) would be counter-productive to the commerce and vitality of the area.

If possible, the DO would like to be involved with the approval process for events/activities that take place at De la Guerra Plaza and we are hopeful that the DO will have an active role in the development of any future plans as well.

Respectfully yours,

Bill Collyer
Executive Director

cc: Nancy Rapp, Director Parks & Recreation
Brian Bosse, Housing and Redevelopment Manager
✓ Marck Aguilar, Redevelopment Specialist
Downtown Organization Board of Directors



Post Office Box 240 Santa Barbara, California 93102

Phone: 805-9622098 Fax: 805-962-3286

E-mail: info@sbdo.org Web site: www.santabarbaradowntown.com

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA APPROVING AND ADOPTING THE
FINDINGS REQUIRED BY HEALTH AND SAFETY CODE
SECTION 33445 FOR THE FUNDING OF CAPITAL
IMPROVEMENTS TO PLAZA DE LA GUERRA

WHEREAS, the Redevelopment Agency of the City of Santa Barbara is undertaking certain activities for the planning and execution of redevelopment projects in the Central City Redevelopment Project Area;

WHEREAS, the proposed improvements will enhance the existing public plaza and encourage pedestrian activity by locals and tourists in the immediate area and the larger Central City Redevelopment Project Area; and

WHEREAS, the Redevelopment Agency's funding of the proposed Plaza de la Guerra infrastructure improvements will benefit the Central City Redevelopment Project Area by encouraging pedestrian and tourist activity, which increases the vitality of the project area by encouraging economic activity by locals and visitors, encouraging public and private improvements, and eliminating blight and the conditions that lead to blight.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The proposed infrastructure improvements to Plaza de la Guerra, to be funded by the Redevelopment Agency, are consistent with the Implementation Plan adopted pursuant to Health and Safety Code section 33490 and are of benefit to the Central City Redevelopment Project area as the improvements will encourage pedestrian activity by locals and tourists, and enhance the existing public plaza.

SECTION 2. No other reasonable means of financing the improvements to Plaza De la Guerra is available.

SECTION 3. The payment of Redevelopment Agency funds for the improvements will eliminate blighting conditions in the Project Area by encouraging pedestrian and tourist activity. An increase in these activities improves the vitality of the project area by encouraging economic activity by locals and visitors and will lead to additional public and private improvements, and thereby, eliminate blight and the conditions that lead to blight.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 24, 2009

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services Department

SUBJECT: Certification Of The Election Results Of The Official Canvass For The General Municipal Election Of November 3, 2009

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Reciting the Fact of the Vote-By-Mail General Municipal Election Held on November 3, 2009, and Declaring the Results and Such Other Matters as Provided by State Law.

DISCUSSION:

The Vote-by-Mail General Municipal Election was held on Tuesday, November 3, 2009, for the purpose of electing the Mayor, three City Councilmembers and voting on four charter amendment ballot measures related to reducing the maximum allowed building heights within certain areas of the City, and changing the make-up and requirements to the Parks and Recreation Commission, Board of Harbor Commissioners and Architectural Board of Review.

The Certification of Election Results of the Official Canvass from the City Clerk's Office is an exhibit to the Resolution.

As provided in the City Charter, the terms of office for Councilmember Grant House and Councilmembers-Elect Harwood "Bendy" White, Frank Hotchkiss and Michael Kathleen Self will begin on January 12, 2010, the date of the first scheduled meeting in January following the certification of election results. A swearing-in ceremony will be held at the City Council meeting on that date.

PREPARED BY: Cynthia M. Rodriguez, City Clerk Services Manager

SUBMITTED BY: Marcelo A. López, Administrative Services Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SANTA BARBARA RECITING THE FACT OF THE VOTE-
BY-MAIL GENERAL MUNICIPAL ELECTION HELD ON
NOVEMBER 3, 2009, AND DECLARING THE RESULTS
AND SUCH OTHER MATTERS AS PROVIDED BY STATE
LAW

WHEREAS, a Vote-by-Mail General Municipal Election was held and conducted in the City of Santa Barbara on Tuesday, November 3, 2009, per the City Charter and as required by law;

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for holding of elections in charter cities; and

WHEREAS, the City Clerk canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. Pursuant to the requirements of State Elections Code Sections 10264 and 9269, the results of the City of Santa Barbara's November 3, 2009, Regular General Municipal Election are declared to be the following:

- A. That the whole number of ballots cast in the vote-by-mail precincts was 23,167.
- B. That the names of persons voted for at the City's General Municipal Election for Mayor and Members of the City Council are as follows:

Mayor:

Bob Hansen
Stephen M. Cushman
Isaac Garrett
Dale Francisco
Helene Schneider

City Council:

John J. Thyne, III
Justin Tevis
Frank Hotchkiss
Grant House
Dianne Channing
Cruzito Herrera Cruz
John W. Gibbs, Jr.
Rowland Lane Anderson
David Pritchett
Harwood "Bendy" White
Bonnie Raisin
Michael Kathleen Self
Cathie McCammon

C. That the measures voted upon at the City's General Municipal Election are as follows:

MEASURE B-2009

Building Heights

Shall the City Charter be revised by amending Charter Section 1506 to reduce the maximum allowed building height within the City to forty-five (45) feet generally and forty (40) feet within the El Pueblo Viejo district except for those areas of the City zoned for single-family and two-family homes where the maximum building height will remain at thirty (30) feet?

Yes _____

No _____

MEASURE C-2009

Parks and Recreation Commission

Shall the City Charter be revised by amending Charter Section 809 and Charter Section 810 to combine the Board of Park Commissioners with the Recreation Commission to form a new commission called the "Parks and Recreation Commission" and to allow the City Council to appoint a youth member of the new Parks and Recreation Commission?

Yes _____

No _____

MEASURE D-2009

Board of Harbor Commissioners

Shall the City Charter be revised by amending Charter Section 811 to increase the number of Harbor Commissioners from five (5) to seven (7) members and to allow one member of the Commission to be a registered voter within Santa Barbara County and not necessarily just within the City of Santa Barbara as currently required?

Yes _____

No _____

MEASURE E-2009

Architectural Board of Review

Shall the City Charter be revised by amending Charter Section 814 to reduce the number of Members on the Architectural Board of Review (the "ABR") from nine (9) to seven (7) members and to allow the City Council to appoint up to three (3) ABR members from persons registered to vote within Santa Barbara County and not necessarily just within the City of Santa Barbara as currently required?

Yes _____

No _____

D. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measures were as listed in Exhibit "A" attached.

E. The City Council does declare and determine that Helene Schneider was elected mayor and Grant House, Harwood "Bendy" White and Frank Hotchkiss were elected as Members of the City Council for the full term of four years.

F. In accordance with City Charter Section 503, the City Council does further declare and determine that Michael Kathleen Self was the unelected candidate who received the highest number of votes for election of Member of the City Council and shall serve the remaining two years of the term of Helene Schneider who was elected to the office of Mayor.

G. That as a result of the election, a majority of the voters voting on Measure B-2009 (Building Heights) to reduce the maximum allowed building height within the City did not vote in favor of it, and that the measure was not carried, and shall not be deemed adopted and ratified.

H. That as a result of the election, a majority of the voters voting on Measure C-2009 (Parks and Recreation Commission) to combine the Board of Park Commissioners with the Recreation Commission to form a new commission called the "Parks and Recreation Commission" and to allow the City Council to appoint a youth member of the new Parks and Recreation Commission voted in favor of it, and that the measure carried, and shall be deemed adopted and ratified.

I. That as a result of the election, a majority of the voters voting on Measure D-2009 (Board of Harbor Commissioners) to increase the number of Harbor Commissioners from five (5) to seven (7) members and to allow one member of the Commission to be a registered voter within Santa Barbara County voted in favor of it, and that the measure carried, and shall be deemed adopted and ratified.

J. That as a result of the election, a majority of the voters voting on Measure E-2009 (Architectural Board of Review) to reduce the number of Members on the Architectural Board of Review (the "ABR") from nine (9) to seven (7) members and to allow the City Council to appoint up to three (3) ABR members from persons registered to vote within Santa Barbara County voted in favor of it, and that the measure carried, and shall be deemed adopted and ratified.

SECTION 2. The City Clerk, by preserving a copy of this Resolution in the official records of the City, shall enter on the records of the City Council of the City, a statement of the results of the election, showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) The measure voted upon; (4) For what office each person was voted for; (5) The number of votes given at each precinct to each person, and for and against each measure; (6) The total number of votes given to each person, and for and against each measure as required by State Elections Code Section 10264.

SECTION 3. That, as required by State Elections Code Section 10265, the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected in the manner and at the time so provided in the City Charter.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of the City original resolutions.

SECTION 5. The City Clerk is hereby directed to comply with the requirements of State Government Code Section 34460 regarding the certification and authentication of the text of copies of the City Charter amendments and in providing those copies to the Secretary of State and to the Recorder of Santa Barbara County, along with copies of the other election material required by Government Code Section 34460, all in the manner required by Government Code Section 34460 and 34461.

EXHIBIT A **CITY CLERK'S CERTIFICATE OF CANVASS**

I, Cynthia M. Rodriguez, City Clerk Services Manager of the City of Santa Barbara, do certify that I have canvassed the returns of the General Municipal Election held on November 3, 2009, and find that the number of votes given at each precinct and the number of votes given in the City to persons voted for, the respective offices for which the persons were candidates, and for and against Measure B, C, D, and E were as follows:

ELECTION TALLY

Precinct #	Mayoral Candidates					Total	Council Candidates													Total
	Hansen	Cushman	Garrett	Francisco	Schneider		Thyne	Tevis	Hotchkiss	House	Channing	Cruz	Gibbs	Anderson	Pritchett	White	Raisin	Self	McCammon	
Precinct 121201	1	26	4	63	60	154	22	29	67	48	32	9	8	8	40	59	8	69	29	428
Precinct 121203	19	166	29	337	350	901	178	126	343	330	225	125	96	45	157	282	50	328	154	2,439
Precinct 121207	13	37	16	53	167	286	56	9	51	160	88	76	24	27	62	97	13	46	58	767
Precinct 121208	8	149	21	400	387	965	156	160	396	366	265	87	78	30	194	360	29	360	179	2,660
Precinct 121211	5	66	8	157	180	416	49	67	162	167	112	21	36	20	106	184	18	152	73	1,167
Precinct 121215	22	85	31	210	313	661	124	62	185	273	192	162	70	51	136	205	34	200	134	1,828
Precinct 121217	9	155	9	433	474	1,080	123	155	406	477	360	35	67	39	238	494	42	405	179	3,020
Precinct 121218	22	216	29	435	719	1,421	238	151	393	682	492	124	84	79	393	648	75	404	229	3,992
Precinct 121221	31	137	26	256	647	1,097	194	100	237	552	327	179	89	96	341	438	57	261	139	3,010
Precinct 121224	12	137	15	248	498	910	152	89	216	451	273	94	77	78	277	435	54	231	120	2,547
Precinct 121232	19	107	24	150	426	726	154	44	146	362	189	151	52	56	261	261	29	148	100	1,953
Precinct 121235	47	45	8	68	194	362	53	31	72	139	96	96	41	25	118	137	19	75	56	958
Precinct 122218	13	68	13	60	165	319	67	38	75	147	108	37	38	27	87	144	14	59	58	899
Precinct 222095	0	0	0	1	0	1	0	0	0	1	0	0	1	0	0	0	0	1	0	3
Precinct 222201	31	89	8	148	151	427	98	45	151	158	111	31	46	31	101	156	16	141	76	1,161
Precinct 222202	9	92	12	140	257	510	86	56	165	227	161	41	58	41	146	200	11	148	70	1,410
Precinct 222203	25	325	36	646	599	1,631	327	247	666	551	437	109	199	126	369	505	67	590	286	4,479
Precinct 222208	7	65	6	116	317	511	60	29	112	297	162	50	20	39	205	261	12	117	65	1,429
Precinct 222209	15	242	43	427	654	1,381	240	170	406	614	414	115	118	102	399	579	48	395	247	3,847
Precinct 222214	19	177	9	442	410	1,057	137	145	423	420	328	54	97	48	202	391	43	436	261	2,985
Precinct 222215	16	163	23	272	418	892	171	96	282	389	255	52	104	57	220	338	39	304	145	2,452
Precinct 222217	10	58	9	95	206	378	51	53	88	179	105	45	37	45	112	152	21	95	56	1,039
Precinct 222221	2	135	9	270	458	874	116	91	254	437	294	68	57	53	207	387	32	275	143	2,414
Precinct 222223	10	237	11	513	526	1,297	179	186	513	535	393	55	146	47	269	523	44	493	212	3,595
Precinct 222226	27	393	38	1,025	978	2,461	347	328	1,032	926	700	118	225	121	493	913	83	1,059	480	6,825
Precinct 222232	21	237	26	542	610	1,436	269	203	542	560	442	111	136	81	318	537	51	533	249	4,032
Precinct 222235	7	89	21	177	269	563	106	55	177	231	204	53	68	42	129	207	17	188	114	1,591
Precinct Subtotal	420	3,696	484	7,684	10,433	22,717	3,753	2,765	7,560	9,679	6,765	2,098	2,072	1,414	5,580	8,893	926	7,513	3,912	62,930
% Of Votes	1.85%	16.27%	2.13%	33.82%	45.93%		5.96%	4.39%	12.01%	15.38%	10.75%	3.33%	3.29%	2.25%	8.87%	14.13%	1.47%	11.94%	6.22%	

CITY CLERK'S CERTIFICATE OF CANVASS (CONT'D.)

ELECTION TALLY

Precinct #	Measure B		Total	Measure C		Total	Measure D		Total	Measure E		Total	Reg. Voters	Ballots Cast	Turnout %
	Yes	No		Yes	No		Yes	No		Yes	No				
Precinct 121201	80	73	153	120	31	151	94	57	151	105	41	146	336	156	46.43%
Precinct 121203	428	473	901	641	223	864	455	395	850	549	306	855	1,945	917	47.15%
Precinct 121207	118	176	294	223	66	289	154	127	281	197	84	281	761	293	38.50%
Precinct 121208	517	452	969	711	209	920	490	409	899	588	327	915	1,776	982	55.29%
Precinct 121211	179	243	422	319	86	405	243	152	395	274	128	402	712	426	59.83%
Precinct 121215	311	364	675	501	149	650	321	314	635	410	224	634	1,807	681	37.69%
Precinct 121217	524	555	1,079	824	200	1,024	611	392	1,003	646	361	1,007	1,799	1,088	60.48%
Precinct 121218	627	807	1,434	1,105	259	1,364	810	514	1,324	894	451	1,345	2,938	1,447	49.25%
Precinct 121221	467	639	1,106	819	213	1,032	564	440	1,004	667	346	1,013	2,827	1,124	39.76%
Precinct 121224	352	555	907	695	169	864	520	323	843	567	281	848	2,010	919	45.72%
Precinct 121232	274	458	732	563	140	703	380	307	687	442	246	688	1,909	735	38.50%
Precinct 121235	103	163	266	204	56	260	141	115	256	171	86	257	1,208	397	32.86%
Precinct 122218	127	198	325	269	47	316	174	133	307	225	82	307	1,089	332	30.49%
Precinct 222095	1	0	1	0	1	1	0	1	1	0	1	1	12	1	8.33%
Precinct 222201	168	189	357	281	58	339	180	153	333	220	112	332	1,139	465	40.83%
Precinct 222202	243	271	514	391	94	485	277	209	486	324	168	492	1,064	520	48.87%
Precinct 222203	803	833	1,636	1,153	423	1,576	831	714	1,545	963	588	1,551	3,256	1,658	50.92%
Precinct 222208	197	316	513	390	93	483	282	195	477	347	136	483	975	520	53.33%
Precinct 222209	652	743	1,395	1,050	285	1,335	744	580	1,324	875	444	1,319	2,554	1,406	55.05%
Precinct 222214	546	509	1,055	806	213	1,019	576	418	994	671	337	1,008	1,747	1,074	61.48%
Precinct 222215	415	483	898	684	172	856	492	350	842	589	263	852	1,715	906	52.83%
Precinct 222217	148	233	381	304	63	367	219	142	361	252	108	360	911	385	42.26%
Precinct 222221	357	520	877	669	166	835	501	319	820	553	269	822	1,611	883	54.81%
Precinct 222223	597	710	1,307	944	286	1,230	681	538	1,219	791	435	1,226	2,248	1,313	58.41%
Precinct 222226	1,277	1,187	2,464	1,838	489	2,327	1,301	990	2,291	1,482	827	2,309	4,384	2,499	57.00%
Precinct 222232	676	773	1,449	1,048	317	1,365	755	589	1,344	886	475	1,361	2,861	1,462	51.10%
Precinct 222235	257	314	571	417	125	542	305	228	533	338	195	533	1,124	578	51.42%
Precinct Subtotal	10,444	12,237	22,681	16,969	4,633	21,602	12,101	9,104	21,205	14,026	7,321	21,347	46,718	23,167	49.59%
% Of Votes	46.05%	53.95%		78.55%	21.45%		57.07%	42.93%		65.70%	34.30%				

CITY CLERK'S CERTIFICATE OF CANVASS (CONT'D.)

ELECTION TALLY

I have also conducted a manual tally of 1% of the precincts in accordance with 15360 of the Election Code. The results of the manual tally are as follows:

Precinct #	Office/Candidate	Machine Tally	Manual Tally	Differences	If discrepancy, how resolved
2217	Mayor				
	Hansen	10	10		
	Cushman	58	58		
	Garrett	9	9		
	Francisco	95	95		
	Schneider	206	206		
2217	City Council				
	Thyne	47	51	4	Machine malfunction on Election night.
	Tevis	42	53	11	Complete machine recount resulting in a match.
	Hotchkiss	73	88	15	
	House	152	179	27	
	Channing	96	105	9	
	Cruz	38	45	7	
	Gibbs	31	37	6	
	Anderson	40	45	5	
	Pritchett	95	112	17	
	White	134	152	18	
	Raisin	17	21	4	
	Self	80	95	15	
	McCammon	43	56	13	
	Measure B				
	Yes	147	148	1	Machine malfunction on Election night.
	No	233	233		Complete machine recount resulting in a match.
2217	Measure C				
	Yes	304	304		
	No	63	63		
2217	Measure D				
	Yes	182	219	37	Machine malfunction on Election night.
	No	122	142	20	Complete machine recount resulting in a match.
2217	Measure E				
	Yes	215	252	37	Machine malfunction on Election night.
	No	93	108	15	Complete machine recount resulting in a match.

Cynthia M. Rodriguez, CMC
City Clerk Services Manager

Dated: _____



CITY OF SANTA BARBARA

JOINT COUNCIL AND REDEVELOPMENT AGENCY AGENDA REPORT

AGENDA DATE: November 24, 2009

TO: Mayor and Councilmembers
Chairperson and Boardmembers

FROM: Housing and Redevelopment Division, Community Development
Department

SUBJECT: Panhandling Education And Alternative Giving Campaign

RECOMMENDATION:

- A. That Council approve the Panhandling Education and Alternative Giving Campaign and that the Redevelopment Agency Board authorize the Agency Deputy Director to negotiate and execute, subject to approval as to form by Agency counsel, agreements to implement the Panhandling Education and Alternative Giving Campaign and to authorize the expenditures of up to \$75,000 for the program from the Redevelopment Agency's Project Contingency Account; and
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing December 1, 2009, as the Effective Date of Ordinance No. 5499 to Enact a Revised Ordinance Prohibiting Abusive Panhandling by Amending and Revising Santa Barbara Municipal Code Chapter 9.50.

BACKGROUND:

On June 17, 2008, the Santa Barbara City Council established a Council Subcommittee on Homelessness and Community Relations (Subcommittee). The Subcommittee was composed of three Council members and was charged with studying a range of issues related to homeless services and neighborhood impacts, including aggressive panhandling. Multiple public meetings were held and the input of City staff, local businesses, homeless service providers, community members, and homeless persons was received. As a result of this work, the *Strategies to Address Community Issues Related to Homelessness in the City of Santa Barbara (Strategies)* was developed.

On February 24, 2009, the City Council approved the *Strategies*. One of the 12 strategies recommended was the development of a City supported, community-based Panhandling Education and Alternative Giving Campaign (Campaign). As part of its report, the Subcommittee recommended linking a new specific abusive panhandling ordinance to the alternative giving and education program.

On August 25, 2009, the City Council adopted an Ordinance amending and revising Santa Barbara Municipal Code Chapter 9.50 prohibiting abusive panhandling. Council approved the ordinance with the direction that Staff continue to work with the panhandling working group to develop the alternative giving campaign. Section two of Ordinance No. 5499 provides that the revisions to Chapter 9.50 would not become effective until an

Alternative Giving Campaign is approved by Council. Attached hereto is a resolution establishing the effective date of Ordinance No. 5499 as December 1, 2009 and acknowledging the establishment of a Santa Barbara Alternative Giving Campaign.

DISCUSSION:

Led by the Downtown Organization, the Campaign, as proposed, will include a comprehensive education effort focused on informing the public about the negative cycle of panhandling and promoting the redirection of charitable giving to provide beneficial support for individuals in need. The Campaign will encourage the positive intent of those who give by providing a convenient alternative in the form of counter-top donation boxes located in local stores. All funds raised through this program will be directed to street outreach to the homeless in the program area. The alternative giving element of the Campaign will be managed by Casa Esperanza who will also lead the street outreach effort.

The Campaign is based upon efforts to direct street-based public generosity away from direct cash to panhandlers, and toward channels that effect positive change for very low-income individuals. Professionals working in human and homeless services recognize that all panhandlers are not aggressive, nor are they all homeless. As a result of this Campaign, those who panhandle may see a noticeable decrease in the amount of cash collected from the public. Alternately, for those in crisis, the reduction in funds from panhandling results in a conduit to connect to services made available through the outreach component of the Campaign. The Campaign is modeled after successful efforts in other communities around the country such as Denver, Colorado, Richmond, Virginia, and Baltimore, Maryland.

The goals of the Campaign are to 1) educate residents and visitors about the negative cycle of giving to panhandlers, 2) change the behavior of those who give, 3) change the behavior and attitude of those who avoid downtown because of panhandlers, and 4) redirect the generosity of individuals to fund street outreach that serves very low income people in crisis.

Implementation of the Campaign will be carried out by a collaboration of public, business, non-profit, and community-based organizations. The Campaign will have coordinated messaging and local media advertising to effectively reach residents and tourists that frequent the Downtown, Waterfront and Lower Milpas areas. Phase 1 of the Campaign will utilize countertop donation boxes placed in local businesses as an easily accessible alternative to placing cash into the hands of individuals on the street. The donation boxes may provide sponsorship opportunities. Phase 2 of the campaign, to be proposed early in 2010, will provide a limited number of street-side donation boxes and the potential of further educational and revenue generating opportunities through sponsorship of those boxes. All funds generated from this program will be directed to street outreach in the Campaign area.

All members of the collaborative will contribute to the effort and will be recognized as supporters of the program. The Downtown Organization will provide leadership and overall management of the Campaign. Casa Esperanza will manage the Alternative Giving program including placement of the countertop donation boxes and collection of funds to provide street outreach. Through its community relations, Clergy and Laity United for Economic Justice (CLUE) will work to educate the public and secure program sponsors.

Chambers of Commerce, Conference and Visitors Bureau, and MTD will assist to place counter top boxes, educate the business community regarding the Campaign, and leverage advertising opportunities. City staff will assist the Downtown Organization with coordination efforts, and provide graphic layout and web development services. SurfMedia Communications, through a contract managed by the Downtown Organization, will provide branding, messaging, and media relations services.

The proposed Campaign will last for approximately one year, from January-December 2010, with a launch date scheduled in March. The Redevelopment Agency will provide start-up funds to the Downtown Organization through a professional services agreement, to establish program infrastructure and recognition during Phase 1 of the Campaign over the course of the year.

SCHEDULE:

The following is a proposed schedule for Phase 1 and Phase 2 project implementation:

Phase 1

November 24, 2009	RDA/Council approval
December 2009	Draft Implementation Agreement (CASA lead)
January 2010	RDA/DO funding agreement executed SurfMedia/DO Contract executed Implementation Team Agreement finalized Creative Development Business community roundtable
February 2010	Finalize logo/image concepts Advertising and Web development and finalization
March 2010	Production of advertising, web site, and boxes Secure Media Placement LAUNCH
April-December 2010	Maintain educational campaign

Phase 2

May 2010	Request Phase 2 approval and funding
July-December 2010	Design development of street-side donation boxes
January 2011	LAUNCH

BUDGET/FINANCIAL INFORMATION:

The requested Redevelopment Agency funds of up to \$75,000 will provide critical consulting, production and media placement expenses required for an education campaign of this scope. It is anticipated that the RDA funds will be used as a starting point and collaborative partners will work to negotiate matching and/or discounted media rates and other opportunities. Also, it is expected that no/low cost modes of communication, such as a program web site, church bulletins, on-line posting boards, and the City newsletter, will be heavily leveraged to spread the message of this program.

Budget Item	Amount
Production	20,000
Media Buys	30,000
SurfMedia Consulting	25,000
Total	\$75,000

Campaign production expenses, including posters on MTD buses, informative counter-top flyers, television and Metro Theater public service announcements (PSAs), and the purchase of counter-top donation boxes, will cost approximately \$20,000. Placement of PSAs and educational spots over the duration of the campaign will cost approximately \$30,000 and will involve multimedia messaging, including news print, on-line banner ads, radio and television. SurfMedia will be retained to provide branding, messaging, and media relations services as needed at a cost not to exceed \$25,000.

Funding for this program is recommended to come from an allocation of the Redevelopment Agency's Project Contingency Account. The current balance in this account is \$1,162,344 and is adequate to cover the proposed costs of Phase 1 of the Campaign.

PREPARED BY: Brian J. Bosse, Housing and Redevelopment Manager/SG/JC

SUBMITTED BY: Paul Casey, Community Development Director

APPROVED BY: City Administrator's Office

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING DECEMBER 1, 2009, AS THE EFFECTIVE DATE OF ORDINANCE NO. 5499 TO ENACT A REVISED ORDINANCE PROHIBITING ABUSIVE PANHANDLING BY AMENDING AND REVISING SANTA BARBARA MUNICIPAL CODE CHAPTER 9.50

WHEREAS, the Council of the City of Santa Barbara adopted Ordinance No. 5499 on August 25, 2009 to amend the Santa Barbara Municipal Code to enact a revised ordinance prohibiting abusive panhandling by amending and revising Santa Barbara Municipal Code Chapter 9.50; and

WHEREAS, Section Two of Ordinance No. 5499 provides that Ordinance No. 5499 shall not take effect unless and until the City Clerk of the City of Santa Barbara certifies the adoption of a resolution of the Council, which resolution establishes an effective date for the ordinance and which acknowledges the establishment of a Santa Barbara "Alternative Giving" Campaign.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The Panhandling Education and Alternative Giving Campaign has been established and adopted by the Council of the City of Santa Barbara on November 24, 2009.

SECTION 2. In accordance with Section Two of Ordinance No. 5499, the City Council hereby establishes the effective date of Ordinance No. 5499 to amend and revise Santa Barbara Municipal Code Chapter 9.50 as of December 1, 2009 and acknowledges the establishment of a Santa Barbara "Alternative Giving" Campaign.



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 24, 2009
TO: Mayor and Councilmembers
FROM: City Clerk's Office, Administrative Services Department
SUBJECT: Interviews For City Advisory Groups

RECOMMENDATION:

That Council hold interviews of applicants to various City Advisory Groups.

DISCUSSION:

On November 10, and November 17, 2009, the City Council interviewed applicants for various positions on City Advisory Groups. The City Council continued the interviews to November 24, 2009, at 4:00 p.m.

On November 12, 2009, the Council Subcommittee interviewed applicants to the Franklin Center, Lower Westside Center and Westside Center Advisory Committees, and the Downtown Neighborhood representative position on the Community Development and Human Services Committee.

Applicants have been notified that to be considered for appointment, they must be interviewed. Applicants have been requested to prepare a 2-3 minute verbal presentation in response to a set of questions specific to the group for which they are applying.

Appointments to the various City Advisory Groups are scheduled to take place on December 15, 2009.

PREPARED BY: Cynthia M. Rodriguez, CMC, City Clerk Services Manager
SUBMITTED BY: Marcelo A. López, Administrative Services Director
APPROVED BY: City Administrator's Office

ACCESS ADVISORY COMMITTEE

- One vacancy.
- Term expires 12/31/2011.
- Resident of the City or a full-time employee of an entity doing business within the City who demonstrate an interest, experience, and commitment to issues pertaining to disability and access and who represents the Disability Community.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Disability Community (1)</i>	Ken McLellan			

AIRPORT COMMISSION

- Two vacancies.
- Terms expire 12/31/2013
- Qualified electors of the City or residents of the County of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Electors or residents of the County (2)</i>	Chris Colbert			Qualified Elector
	Charles Foley			County
	William Gilbert			County

ARCHITECTURAL BOARD OF REVIEW

- Three vacancies. (If Measure E is passed by the voters, membership is reduced from 9 to 7. Only the Professional Qualifications position will be filled; the Landscape Architect category will be included in the Professional Qualifications category.)
- One term expires 12/31/2010; and
Two terms expire 12/31/2013.
- Qualified electors of the City:
 - One member who is a licensed landscape architect;
 - One member who possesses professional qualifications in related fields including, but not limited to, building design, structural engineering or industrial design; and
 - One member who is a licensed architect, licensed landscape architect, possess professional qualifications in related fields or who represents the public at large.
- Appointees may not hold any full-time paid office or employment in City government.

NOTE: If Measure E is passed by the voters, all applicants will be eligible for appointment; If Measure E is not passed, County* residents will not be eligible for appointment.)

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Licensed Landscape Architects (1)</i>	Chris Gilliland	12/16/2008 (1 year)		Qualified Elector
<i>Professional Qualifications (1)</i>	Gary Mosel	12/13/05 (4 years)		Qualified Elector
<i>Licensed Architect/Licensed Landscape Architect/Professional Qualifications/Public at Large (1)</i>	Keith Nolan*			Architect - County

ARTS ADVISORY COMMITTEE

- Four vacancies.
- Terms expire 12/31/2013.
- One qualified elector of the City; and
Three residents of the south coast area of Santa Barbara County.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector (1)</i>	Tom Morey	12/13/05 (4 years)		Qualified Elector; currently under South Coast Area Category
<i>South Coast Area (3)</i>	Roman Baratiak			County
	Phyllis de Picciotto	2/26/02 & 12/13/06 (7 years, 10 months)		County
	Suzanne Fairly- Green	12/13/05 (4 years)		Qualified Elector

CENTRAL COAST COMMISSION FOR SENIOR CITIZENS

- One vacancy.
- Term expires 6/30/2011.
- Resident of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident of the City (1)</i>	None			

CIVIL SERVICE COMMISSION

- One vacancy.
- Term expires 12/31/2013.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government and, for 1 year after ceasing to be a member, may not be eligible for any salaried office or employment with the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector (1)</i>	Kathryn McKee	12/13/05 (4 years)		

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE

- Six vacancies.
- One term expires 12/31/2010;
One term expires 12/31/2011;
One term expires 12/31/2012; and
Three terms expire 12/31/2013.
- Residents or employees within the City but need not be qualified electors of the City. One representative from each:
 - African American Community
 - Business Community/Economic Development
 - Downtown Neighborhood (Census Tract 9)
 - Housing Interests
 - Human Services Agency
 - Senior Community
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>African American Community (1)</i>	None			
<i>Business Community/Economic Development (1)</i>	Laura Knight	7/11/06 (3 years, 5 months)		
<i>Downtown Neighborhood (1)</i>	Maureen Mina			Also qualifies for the Human Services Agency category
<i>Housing Interests (1)</i>	None			

(Cont'd)

COMMUNITY DEVELOPMENT AND HUMAN SERVICES COMMITTEE (CONT'D)

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>Human Services Agency (1)</i>	Julie Jeakle			
<i>Senior Community (1)</i>	Susan Johnson			
	Christal Leeth			

CREEKS ADVISORY COMMITTEE

- One vacancy.
- Term expires 12/31/2011.
- Resident of the City or the County with some experience in ocean use, business, environmental issues, and/or provide community at large representation.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Experience in ocean use, business, or environmental issues, and/or represents the community at large (1)</i>	Kathleen "Betsy" Weber			

DOWNTOWN PARKING COMMITTEE

- Two vacancies.
- Terms expire 12/31/2013.
- Two residents of the City or the County of Santa Barbara.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Residents of the City or the County (2)</i>	Randy Rowse	12/7/04 & 12/13/05 (5 years)		City

FIRE AND POLICE COMMISSION

- Two vacancies.
- One term expires 12/31/2011; and
One term expires 12/31/2013.
- Qualified electors of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
Qualified Electors (2)	Frank Bañales			
	Jennifer Christensen			
	Robert Handy			
	Patrick Lennon, Jr.	12/13/05 (4 years)		
	Daniel McCarter			
	Bill Medel			

FIRE AND POLICE PENSION COMMISSION

- Three vacancies.
- Two terms expire 12/31/2012; and
One term expires 12/31/2013.
- One qualified elector of the City who is not an active firefighters or an active police officers for the City of Santa Barbara;
One active or retired firefighter who need not be a resident or qualified elector of the City; and
One active or retired police officer who need not be a resident or qualified elector of the City.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>Qualified Elector (1)</i>	None			
<i>Active/Retired Firefighter (1)</i>	None			
<i>Active/Retired Police Officer (1)</i>	None			

FRANKLIN CENTER ADVISORY COMMITTEE

- Three vacancies.
- One term expires 12/31/2010; and
Two terms expire 12/31/2013.
- Members are not required to be qualified electors of the City:
 - One resident or employee within the Franklin Neighborhood (Census Tract Nos. 8.01, 8.02 or 9)
 - Two residents of the City who represent the public at large
- Appointees may not hold any full-time paid office or employment in City government.

NOTE: Applicants for the Resident/Employee in the Franklin Neighborhood category are also eligible for the Public at Large category.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident/Employee in the Franklin Neighborhood (1)</i>	Britta Bartels		1) Franklin; 2) Westside; 3) Lower Westside	Census Tract 9
	Chrystal Sturm	12/16/08 (1 year)		Census Tract 8.01
<i>Residents of the City who represent the public at large (2)</i>	Sebastian Aldana, Jr.	12/28/07 (2 years)		
	Sharon Byrne			
	Laura Garcia			

HARBOR COMMISSION

- One vacancy. (If Measure D is passed by the voters, increasing membership from 5 to 7, there will be three vacancies filled.)
- Term expires 12/31/2013.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector (1)</i>	Eric Friedman			Current Library Board Member; term expires 12/31/10
	Paul Miller			
	Jim Sloan			
	Charles E. Watson			

HISTORIC LANDMARKS COMMISSION

- Two vacancies.
- Terms expire 12/31/2013.
- One appointee must be a qualified elector of the City and one appointee may be a resident of the County of Santa Barbara: Licensed architects/licensed landscape architects/professional architectural historians or a representatives of the public at large.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Architect, Landscape Architect, Professional Architectural Historian or may represent the public at large (2)</i>	Louise Boucher	12/13/05 (4 years)		Public at large – Qualified Elector
	William (Bill) LaVoie			Architect - County
	Tom Ochsner			Architect – Qualified Elector
	Philip Suding			Landscape Architect – Qualified Elector
	Justin Van Mullem			Professional Architectural Historian – Qualified Elector

HOUSING AUTHORITY COMMISSION

- One vacancy.
- Term expires 2/15/2012 (Term effective 2/16/10).
- Senior tenant (62 years of age or older) who is receiving housing assistance from the Housing Authority of the City of Santa Barbara.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Senior Tenant (1)</i>	Stanley Eisele	12/18/07 (2 years)		

LIBRARY BOARD

- One vacancy.
- Term expires 12/31/2013.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Qualified Elector (1)</i>	Christine Forte			

LIVING WAGE ADVISORY COMMITTEE

- Four vacancies.
- One term expires 6/30/2010;
Two terms expire 6/30/2012; and
One term expires 6/30/2013.
- One representative from each:
 - Local Living Wage Advocacy Organization
 - Non-Profit Entity
 - Owner or manager of a business operating within the City
 - Santa Barbara Chamber of Commerce
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>Local Living Wage Advocacy Organization (1)</i>	None			
<i>Non-Profit Entity (1)</i>	Anna Kokotovic	7/11/06 (3 years, 5 months)		
<i>Owner/Manager of a business operating within the City (1)</i>	Gabe Dominocielo			Also eligible for the Non-Profit Entity category
<i>Santa Barbara Chamber of Commerce (1)</i>	None			

LOWER WESTSIDE CENTER ADVISORY COMMITTEE

- Two vacancies.
- Terms expire 12/31/2013.
- Members are not required to be qualified electors of the City: Residents of the City who represent the public at large.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Residents of the City who represent the public at large (2)</i>	Britta Bartels		1) Franklin; 2) Westside; 3) Lower Westside	
	Paul Contreras	12/16/08 (1 year)		
	M. Carmen Lozano Ibanez			

MEASURE P COMMITTEE

- Five vacancies.
- One term expires 12/31/2011;
Two terms expire 12/31/2012; and
Two terms expire 12/31/2013.
- One representative each as follows:

- Civil liberties advocate	- Medical Professional
- Criminal defense attorney	- Resident of the City
- Medical Marijuana Patient (Census Tract 9)	
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1st, 2nd, 3rd, 4th)	Notes
<i>Civil Liberties Advocate (1)</i>	None			
<i>Criminal Defense Attorney (1)</i>	None			
<i>Medical Marijuana Patient (1)</i>	Gary Buffington			
<i>Medical Professional (1)</i>	None			
<i>Resident of the City (1)</i>	None			

PARK AND RECREATION COMMISSION

- One vacancy. (If Measure C is passed by the voters, increasing membership from 5 to 7, there will be three vacancies to be filled.)
- Term expires 12/31/2013.
- Qualified elector of the City.
- Appointee may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
Qualified Elector (1)	Chris Casebeer			
	Lesley Wiscomb			

PLANNING COMMISSION

- Two vacancies.
- Terms expire 12/31/2013.
- Qualified electors of the City.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
Qualified Electors (2)	Bob Cunningham			
	Michael Jordan			Current Creeks Advisory Committee member; term expires 12/31/2010
	Chava Riley			
	Deborah L. Schwartz			
	Addison Thompson	12/13/05 (4 years)		

RENTAL HOUSING MEDIATION TASK FORCE

- Four vacancies.
 - One term expires 12/31/2012; and
Three terms expire 12/31/2013.
 - Two appointees must be residents of the City:
 - One homeowner
 - Two landlords
 - One tenant
- * Non-resident members must be owners of residential rental property within the City limits or affiliated with organizations concerned with landlord-tenant issues within the City limits.
- Appointees may not hold any full-time paid office or employment in City government.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
Homeowner (1)	Daniel R. Herlinger	6/28/05 (4 years, 6 months)		City
Landlords (2)	None			
	None			
Tenant (1)	Lynn E. Goebel	6/30/09 (6 months)		City

WESTSIDE CENTER ADVISORY COMMITTEE

- Three vacancies.
- One term expires 12/31/2010; and
Two terms expire 12/31/2013.
- Members are not required to be qualified electors of the City:
 - One resident or employee in the Westside Neighborhood (Census Tract Nos. 9, 10, 11.01 and 11.02)
 - Two residents of the City who represent the public at large
- Appointees may not hold any full-time paid office or employment in City government.

NOTE: Applicants for the Residents/Employees in the Westside Neighborhood category are also eligible for the Public at Large category.

CATEGORY (Number of Vacancies)	APPLICANT	Incumbent Appt. Dates (Years Served)	Applicant's Preference (1 st , 2 nd , 3 rd , 4 th)	Notes
<i>Resident/Employee in the Westside Neighborhood (1)</i>	Britta Bartels		1) Franklin; 2) Westside; 3) Lower Westside	Census Tract 9
	Michelle V. Nassif			Census Tract 10
<i>Residents of the City who represent the public at large (2)</i>				



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: November 24, 2009

TO: Mayor and Councilmembers

FROM: City Administrators' Office

SUBJECT: Request From Mayor Blum And Councilmembers Francisco And Horton Regarding Guidelines For Proclamations And Letters Of Recognition

RECOMMENDATION:

That Council consider a request from Mayor Blum and Councilmembers Francisco and Horton to establish guidelines and procedures for issuance of proclamations and letters of recognition.

DISCUSSION:

Mayor Marty Blum and Councilmembers Francisco and Horton formed a Committee to review the City's current process for proclamations and letters of recognition. The Committee is forwarding their guidelines that they would like incorporated into Council Resolution No. 05-073 regarding the Conduct of City Council Meetings.

ATTACHMENT: Memorandum and Guidelines from Mayor Blum and Councilmembers Francisco and Horton

PREPARED BY: Linda Gunther, Administrator's Office Supervisor

SUBMITTED BY: Joan Kent, Assistant City Administrator

APPROVED BY: City Administrator's Office



City of Santa Barbara
Mayor and Council Office

Memorandum

DATE: October 12, 2009

TO: James L. Armstrong, City Administrator

FROM: Marty Blum, Mayor
Dale Francisco, Mayor Pro Tempore
Roger Horton, Councilmember

SUBJECT: Resolution Establishing Guidelines for Proclamations and Letters of Recognition

Pursuant to Council Resolution No. 05-073 regarding the Conduct of City Council Meetings, we request that an item be placed on the Santa Barbara City Council Agenda regarding Council adopting a draft Resolution Establishing Guidelines for Proclamations and Letters of Recognition.

- Summary of Information to be Presented to the City Council

A Council Subcommittee has been formed (the Council's Proclamation Subcommittee) by the Mayor, to review our current process for Proclamations and Letters of Recognition. The members of this committee are: Marty Blum, Mayor; Dale Francisco, Mayor Pro Tempore; and Roger Horton, Councilmember. Staff members are Debbie Bush, Executive Assistant to the Mayor and Council; and Linda Gunther, Administrator's Office Supervisor.

The Subcommittee met, and discussed the fact that there are no written guidelines at this time and we receive many requests for proclamations and letters of recognition. It would be very helpful to the clerical staff and the Mayor to have guidelines to use for the public when they request these documents. The Subcommittee gave parameters that are important to the Mayor or the Mayor's designee when receiving a request for a Proclamation or Letter of Recognition. The draft Resolution attached reflects the guidelines that are important to this subcommittee.

- Statement of Specific Action the Council Will Be Asked to Take

The Subcommittee is requesting that the City Council adopt a resolution detailing these guidelines for proclamations and letters of recognition.

- Statement of the Reasons Why it is Appropriate and Within the Jurisdiction of the Council to Consider this Subject Matter and to Take the Requested Action

The Subcommittee is requesting this action by Council as it is an action that only the Mayor of Santa Barbara will be referring to and the Subcommittee is asking to be placed on the November 24, 2009, Council agenda to consider this matter.

Attachment

GUIDELINES ON PROCLAMATION & LETTERS OF RECOGNITION

October 19, 2009

- The request must pertain to a Santa Barbara event, person, organization, or cause with local implementation.
- The request must be submitted in writing at least three weeks in advance of the City Council meeting.
- Only one proclamation or letter of recognition can be presented per Council meeting, with the exception of the first Tuesday of the month due to employees receiving service awards.
- The person making the request must be present at the Council meeting to receive the proclamation or letter of recognition.
- The Mayor will determine if the proposed request meets the intent of this policy and retains the right to decide if it will be issued.
- The Mayor retains the right to modify, edit or otherwise amend the proposed proclamation or letter of recognition.